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10 JOHN MCGINNESS

11 UNITED STATES DISTRICT COURT EASTERN DISTRICT
12 OF CALIFORNIA SACRAMENTO DIVISION

13 DEANNA SYKES, ANDREW WITHAM,)
14 ADAM RICHARDS, SECOND)
15 AMENDMENT FOUNDATION, INC., AND)
16 THE CALGUNS FOUNDATION, INC.)

17 Plaintiffs)

18 v.)

19 JOHN MCGINNESS, COUNTY OF)
20 SACRAMENTO, ED PRIETO, AND)
21 COUNTY OF YOLO)

22 Defendants.)

CASE NO. 2:09-cv-01235-MCE-KJM

Date: September 24, 2009

Time: 2:00 p.m.

Ctrm: 7

Judge: Morrison C. England, Jr.

DECLARATION OF JERI L. PAPPONE IN SUPPORT OF SACRAMENTO DEFENDANTS’ MOTION TO CONTINUE HEARING ON MOTION FOR SUMMARY JUDGMENT
FRCP 56(f)

23 I, JERI L. PAPPONE, declare as follows:

24 1. I am an attorney licensed to practice law before all courts of the State of
25 California, and am an associate in the law firm of Longyear, O’Dea and Lavra, LLP, counsel of
26 record for defendants John McGinness and the County of Sacramento.

27 2. Defendants answered Plaintiffs’ complaint on June 2, 2009; a joint status report
28 by Sacramento Defendants and Plaintiffs was filed on July 8, 2009; Plaintiffs provided Rule 26
initial disclosures on July 10, 2009; Yolo County Defendants answered on July 17, 2009;

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1 Sacramento County Defendants provided Rule 26 initial disclosures on August 4, 2009; Yolo
2 County defendants have not yet provided their Rule 26 initial disclosures.

3 3. Plaintiffs filed their motion for summary judgment on August 6, 2009, for hearing
4 on September 24, 2009. The Court issued a PreTrial Scheduling Order on August 18, 2009, to
5 which Sacramento County Defendants objected on August 20, 2009.

6 4. Defendants have not had the opportunity to conduct any discovery in this case.
7 Plaintiffs contend that their motion for summary judgment is based upon law only and not
8 factual issues can or should be disputed or are disputable.

9 5. I have met and conferred with Plaintiffs' counsel, Alan Gura, regarding the
10 potential of postponing this motion in order that Sacramento Defendants could take the
11 depositions of the individual plaintiffs and the principals of the group plaintiffs to determine
12 standing issues. Plaintiffs' counsel was reluctant to agree to a continuance of the hearing date
13 and contends that depositions are not necessary in this case.

14 6. Defendants do not concede that standing exists and request the opportunity to
15 conduct discovery by way of the depositions above described, in order to make that
16 determination or to develop facts to support or dispel any standing issues.

17 I declare that the foregoing is true and correct and is of my own personal knowledge, and
18 that if called upon to testify thereto could and would competently do so.

19 EXECUTED this 21st day of August 2009, at Sacramento, California.

20 /s/ Jeri L. Pappone

21 _____
22 JERI L. PAPPONE