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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Deanna Sykes, et al.,) Case No.
11 Plaintiffs,)
12 v.) NOTICE OF CLAIM OF
13 John McGinness, et al.) UNCONSTITUTIONALITY
14 Defendants.) [L.R. 24-132(b)]
15

16 NOTICE OF CLAIM OF UNCONSTITUTIONALITY

17 COME NOW the Plaintiffs, Deanna Sykes, Andrew Witham, Adam Richards, Second
18 Amendment Foundation, Inc. (“SAF”), and The Calguns Foundation, Inc. (“CGF”), by and
19 through undersigned counsel, and pursuant to Local Rule 24-132 provide notice that this action
20 questions the constitutionality of California Penal Code § 12050, to the extent that provision
21 requires applicants for permits to carry handguns to demonstrate their moral character and good
22 cause for seeking the permit.

23 Plaintiffs claim that they enjoy a fundamental constitutional right under the Second and
24 Fourteenth Amendments to carry arms. Although Plaintiffs concede that the right may be
25 regulated in certain respects in the interests of public safety, it cannot be either completely
26 abolished, nor can a license to exercise that right be conditioned on applicants’ moral character
27 and good cause. Constitutional rights do not depend on the government’s determination that
28 individuals are of sufficient moral character, or truly have good cause to desire exercise of the

1 right. Penal Code § 12050's moral character and good cause requirements are therefore
2 unconstitutional on their face or as applied to Plaintiffs.

3 Dated: May 5, 2009

Respectfully submitted,

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8 By: /s/ Alan Gura
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9 Attorneys for Plaintiffs

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