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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Adam Richards, et al., ) Case No. 2:09-cv-01235-MCE-DAD (TEMP)  
11 Plaintiffs, )  
12 v. ) PLAINTIFFS' RESPONSE TO  
13 Ed Prieto, et al., ) DEFENDANTS' STATEMENT OF  
14 Defendants. ) UNDISPUTED FACTS IN SUPPORT OF  
15 ) DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT.  
Date: March 10, 2011  
Time: 2:00 p.m.  
Courtroom 7

16 Plaintiffs respond to Defendants' Statement of Undisputed Facts as follows:

17 **Undisputed Fact**

**Plaintiffs' Response**

- 18 1. The Yolo County Sheriff's  
19 Department publishes the criteria it  
20 applies for the issuance of concealed  
weapons permits.  
21  
22 2. Yolo County's published criteria for  
issuance of concealed weapons  
23 permits specify that an applicant  
must show good cause for the  
24 issuance of a concealed weapons  
permit. Examples of good cause  
25 include: victims of violent crime  
and/or documented threats of  
26 violence; business owners who carry  
large sums of cash or valuable items;  
27 and business owners who work all  
hours in remote areas and are likely  
28 to encounter dangerous people and  
situations.

1. Plaintiffs admit that this fact is  
undisputed. However, Plaintiffs  
contend that the criteria are  
inherently arbitrary and are not  
subject to being fully written.  
2. Plaintiffs admit that this fact is  
undisputed. However, Plaintiffs  
contend that the criteria are  
inherently arbitrary.

- 1 3. Yolo County's published criteria for  
2 issuance of concealed weapons  
3 permits also contain a list of what  
4 does not constitute good cause to  
5 carry a concealed firearm which  
6 includes: "self protection and  
7 protection of family (without  
8 credible threats of violence.)"
- 9 4. The purpose for the Yolo County  
10 Sheriff's concealed weapon permit  
11 policy is to protect against gun  
12 violence as well as to protect officers  
13 conducting law enforcement  
14 operations.
- 15 5. In March 2009, Plaintiff Richards  
16 contacted the Yolo County Sheriff's  
17 office to inquire about the process  
18 for obtaining a permit to carry a  
19 handgun. He asserts that he was  
20 advised that his desire to carry a  
21 concealed weapon for self-defense  
22 without more would not constitute  
23 "good cause" for the issuance of the  
24 permit.
- 25 6. Richards acknowledges that he has  
26 received no threats of violence and is  
27 unaware of any specific threat to him  
28 or his family.
- 1 7. On March 23, 2010, Plaintiff Stewart  
2 applied to the Yolo County Sheriff  
3 for a permit to carry a concealed  
4 weapon. On April 27, 2010, Stewart  
5 was informed that his application  
6 was denied, because "the reasons  
7 listed in your application do not meet  
8 the criteria in our policy."
- 9 8. Stewart acknowledges that he has  
10 received no threats of violence and is  
11 unaware of any specific threat to him  
12 or his family.
- 13 9. Plaintiff, the Second Amendment  
14 Foundation, Inc. ("SAF") is a non-  
15 profit membership organization with  
16 the purpose of researching,  
17 publishing and legal action focusing  
18 on the Constitutional right to  
19 privately own and possess firearms.
- 20 3. Plaintiffs admit that this fact is  
21 undisputed.
- 22 4. Plaintiffs admit that Defendants have  
23 these opinions.
- 24 5. Plaintiffs admit that this fact is  
25 undisputed.
- 26 6. Plaintiffs admit that this fact is  
27 undisputed.
- 28 7. Plaintiffs admit that this fact is  
29 undisputed.
- 30 8. Plaintiffs admit that this fact is  
31 undisputed.
- 32 9. Plaintiffs admit that this fact is  
33 undisputed.

1 10. The Calguns Foundation, Inc., is a  
2 non-profit organization whose  
3 purpose includes supporting the  
4 California firearms community by  
5 providing education for all  
6 stakeholders about firearm laws,  
7 rights and privileges, and securing  
8 the civil rights of California gun  
9 owners, who are among its members  
10 and supporters.

10. Plaintiffs admit that this fact is  
undisputed.

11 Dated: February 24, 2011

Respectfully submitted,

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18 By: /s/ Donald E.J. Kilmer, Jr.  
19 Donald E.J. Kilmer, Jr.

By: /s/ Alan Gura  
Alan Gura

Attorneys for Plaintiffs