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February 13, 2014

Clerk
Ninth Circuit Court of Appeals
James R. Browning U.S. Courthouse
95 Seventh Street
San Francisco, CA 94103

Re: *Richards v. Prieto, et al.*
Ninth Circuit Case No.: 11-16255
Oral Argument Date: December 6, 2012
FRAP Rule 28(j) & Circuit Rule 28-6 Supp. Authority Response

Dear Clerk:

Appellees respond to Appellants' request for a summary reversal of this case in light of the decision in *Peruta v. County of San Diego*, No. 10-56971. Although the County of Yolo's definition of good cause to support the issuance of a conceal carry permit is similar to that of San Diego County, the facts underlying the two cases are not identical. For example, in holding the San Diego Sheriff's licensing policy creates a total ban on the carry of firearms for self-defense, the *Peruta* opinion noted that San Diego County is fully incorporated, thereby restricting the only avenue for weapon carry throughout the county to concealed carry by permit. Opinion p. 52, fn. 16. Conversely, the County of Yolo is heavily unincorporated. *See* Answering Brief 14. Only 47 of the County's 1,021 square miles (or 4.6% of Yolo's total area) are incorporated, leaving 974 square miles within the County largely exempt from the state's open carry prohibitions that apply to cities. *See* Answering Brief 15.

Hence the Court's reasoning in *Peruta* does not automatically resolve this case as Appellants claim because there exist factual distinctions that may change the analysis of whether

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a right to carry firearms in public for self-defense is either destroyed or substantially burdened in the County of Yolo as a result of Sheriff Prieto's permitting policy.

Very truly yours,

ANGELO, KILDAY & KILDUFF, LLP

/s/ John A. Whitesides

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Sheriff Ed Prieto and County of Yolo

The body of this letter contains 220 words.

cc: All Counsel of Record (via CM/ECF)