

1 Donald E.J. Kilmer, Jr. (SBN: 179986)
LAW OFFICES OF DONALD KILMER, A.P.C.
2 1645 Willow Street, Suite 150
San Jose, California 95125-5120
3 Voice: (408) 264-8489
Fax: (408) 264-8487
4 Email: Don@DKLawOffice.com

5 Attorney for the Plaintiffs

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

10 RICHARD ENOS, JEFF BASTASINI,
11 LOUIE MERCADO, WALTER
12 GROVES, MANUEL MONTEIRO,
EDWARD ERIKSON, and VERNON
13 NEWMAN,

14 Plaintiffs,

15 vs.

16 ERIC HOLDER, as United States
17 Attorney General, and ROBERT
MUELLER, III as Director of the
18 Federal Bureau of Investigations,

19 Defendants.
20

Case No.: 2:10-CV-2911-JAM-EFB

PLAINTIFFS' REQUEST FOR
JUDICIAL NOTICE OF STAYS IN
OTHER SECOND AMENDMENT
SCRUTINY CASES THAT ARE
PENDING IN THE NINTH CIRCUIT

Date: January 25, 2012
Time: 9:30 a.m.
Place: Courtroom 6, 14th Floor
501 "T" Street
Sacramento, CA 95814
Judge: Hon. John A. Mendez
Time Est.: 30 minutes

21 By and through undesigned counsel, Plaintiffs RICHARD ENOS, JEFF
22 BASTASINI, LOUIE MERCADO, WALTER GROVES, MANUEL MONTEIRO,
23 EDWARD ERIKSON, and VERNON NEWMAN, hereby request, pursuant to
24 Fed.R. Evid. 201, that the Court take judicial notice of the attached orders from
25 cases pending the Ninth Circuit. They are:

- 26 1. *Richards v. Prieto (Yolo County)*, No.: 11-16255 – A Second Amendment and
27 Equal Protection challenge to the good cause and good moral character
28 standards for the issuance of firearm carry licences under California law.

- 1 2. *Peruta v. San Diego County*, No.: 10-56971 – is similar to the *Richards* case
2 and though docketed in the Ninth Circuit during 2010, it was filed in the
3 District Court of Southern California well after the *Richards* case.
- 4 3. *Montana Shooting Sports v. Holder*, No.: 10-36094 – is a case challenging the
5 federal government’s jurisdiction to regulate firearm sales with regard to
6 firearms that are manufactures, sold and possessed solely within the State of
7 Montana.
- 8 4. *Pena v. Cid*, Case No.: 2:09-CV-01185-KJM-CKD - is a challenge to the State
9 of California’s Safe-Handgun Roster and the criteria for including/excluding
10 firearms for sale in California based on vague and ambiguous characteristics
11 of firearms.

12 DISCLOSURE: Plaintiffs’ Counsel in this action is also an attorney (though not
13 lead counsel) in *Richards v. Prieto* and *Pena v. Cid*.

14 Date: January 17, 2012

15 /s/ Donald E. J. Kilmer, Jr.
16 Attorney for the Plaintiffs

LAW OFFICE OF DONALD KILMER, APC
1645 Willow St., Suite 150, San Jose, CA 95125
Vc: (408) 264-8489 Fx: (408) 264-8487
Dor@DKLawOffice.com

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UNITED STATES COURT OF APPEALS

DEC 20 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ADAM RICHARDS; et al.,

Plaintiffs - Appellants,

v.

ED PRIETO and COUNTY OF YOLO,

Defendants - Appellees.

No. 11-16255

D.C. No. 2:09-cv-01235-MCE-
DAD

Eastern District of California,
Sacramento

ORDER

The court stays proceedings in this appeal pending this court's en banc decision in *Nordyke v. King*, No. 07-15763, 2011 WL 5928130 (9th Cir. Nov. 28, 2011) (granting rehearing en banc).

For the Court:

MOLLY C. DWYER
Clerk of Court

Halina Larman
Case Management Attorney
Ninth Circuit Rule 27-7/Advisory
Note to Rule 27
and Ninth Circuit 27-10

UNITED STATES COURT OF APPEALS

DEC 20 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

EDWARD PERUTA; et al.,

Plaintiffs - Appellants,

v.

COUNTY OF SAN DIEGO and
WILLIAM D. GORE, individually and in
his capacity as Sheriff,

Defendants - Appellees.

No. 10-56971

D.C. No. 3:09-cv-02371-IEG-BGS
Southern District of California,
San Diego

ORDER

The court stays proceedings in this appeal pending this court's en banc decision in *Nordyke v. King*, No. 07-15763, 2011 WL 5928130 (9th Cir. Nov. 28, 2011) (granting rehearing en banc).

For the Court:

MOLLY C. DWYER
Clerk of Court

Halina Larman
Case Management Attorney

Ninth Circuit Rule 27-7/Advisory
Note to Rule 27
and Ninth Circuit 27-10

UNITED STATES COURT OF APPEALS

DEC 20 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

MONTANA SHOOTING SPORTS
ASSOCIATION; et al.,

Plaintiffs - Appellants,

and

STEVE BULLOCK, Montana Attorney
General,

Intervenor,

v.

ERIC H. HOLDER, Jr., Attorney General,

Defendant - Appellee.

No. 10-36094

D.C. No. 9:09-cv-00147-DWM
District of Montana,
Missoula

ORDER

The court stays proceedings in this appeal pending this court's en banc decision in *Nordyke v. King*, No. 07-15763, 2011 WL 5928130 (9th Cir. Nov. 28, 2011) (granting rehearing en banc).

For the Court:

MOLLY C. DWYER
Clerk of Court

Halina Larman
Case Management Attorney
Ninth Circuit Rule 27-7/Advisory
Note to Rule 27
and Ninth Circuit 27-10

Don Kilmer

From: caed_cmecf_helpdesk@caed.uscourts.gov
Sent: Tuesday, December 20, 2011 1:38 PM
To: CourtMail@caed.uscourts.gov
Subject: Activity in Case 2:09-cv-01185-KJM-CKD Pena et al v. Cid

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

Eastern District of California - Live System

Notice of Electronic Filing

The following transaction was entered on 12/20/2011 at 1:38 PM PST and filed on 12/20/2011

Case Name: Pena et al v. Cid
Case Number: [2:09-cv-01185-KJM-CKD](#)
Filer:
Document Number: 38(No document attached)

Docket Text:

MINUTE ORDER issued by Courtroom Deputy C. Schultz for Judge Kimberly J. Mueller on 12/20/2011: In accordance with defendant's notice filed on 12/16/2011 [37], the court hereby vacates its minute order lifting stay [36]. This case is stayed pending further order of the court. Parties shall submit a joint status report within ten (10) days of the Ninth Circuit's order in Nordyke v. King, No. 07-15763. (TEXT ONLY ENTRY) (Schultz, C)

2:09-cv-01185-KJM-CKD Notice has been electronically mailed to:

Alan Gura alan@gurapossessky.com, a1@alangura.com

Anthony R Hakl , III Anthony.Hakl@doj.ca.gov, ECFCoordinator@doj.ca.gov,
janice.smialek@doj.ca.gov

Donald E. J. Kilmer , Jr don@dklawoffice.com, Christina@dklawoffice.com

2:09-cv-01185-KJM-CKD Electronically filed documents must be served conventionally by the filer to: