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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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ESPANOLA JACKSON, PAUL COLVIN,) **CASE NO.: CV-09-2143-RS**

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THOMAS BOYER, LARRY BARSETTI,)

DAVID GOLDEN, NOEMI MARGARET) **STATEMENT OF RECENT DECISION IN**

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ROBINSON, NATIONAL RIFLE)

ASSOCIATION OF AMERICA, INC. SAN) **SUPPORT OF PLAINTIFFS' OPPOSITION**

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FRANCISCO VETERAN POLICE)

OFFICERS ASSOCIATION,) **Civil L.R. 7-3(d)(2)**

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Plaintiffs

) Hearing Date: May 5, 2011

) Time: 1:30 p.m.

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) Place: Courtroom 5

vs.

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CITY AND COUNTY OF SAN)

FRANCISCO, MAYOR EDWIN LEE, in)

his official capacity; ACTING POLICE)

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CHIEF JEFF GODOWN, in his official)

capacity, and Does 1-10,)

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Defendants.

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1 TO THE CLERK AND ALL PARTIES OF RECORD AND THEIR COUNSEL HEREIN:

2 Please take notice that Plaintiffs, Espanola Jackson, Paul Colvin, Thomas Boyer, Larry
3 Barsetti, David Golden, Noemi Margaret Robinson, National Rifle Association, Inc., and San
4 Francisco Veteran Police Officers Association, by and through their attorneys of record, hereby
5 lodge and respectfully note, pursuant to Civil Local Rule 7-3(d)(2), the issuance of a recent
6 opinion by the United States Court of Appeals for the District of Columbia in a case similar to the
7 present action, *Dearth, et al. v. Holder*, Case No. 1:00-5062. A true and correct copy of the Court
8 of Appeals' opinion in *Dearth v. Holder* is attached hereto as Exhibit "A."

9 In reversing and remanding the District Court's ruling in that case, the Court of Appeals for
10 the District of Columbia held that a plaintiff alleging violations of Second Amendment rights has
11 standing to sue, irrespective of enforcement or pre-enforcement activities. Pursuant to Civil Local
12 Rule 7-3(d)(2), Plaintiffs' Statement of Recent Decision is timely filed and provides notice of a
13 decision issued subsequent to the filing of Plaintiffs' Opposition and Defendants' Reply.¹

14 Dated: May 3, 2011

Respectfully submitted,
MICHEL & ASSOCIATES, P. C.

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/S/

C. D. Michel
Attorney for Plaintiffs

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26 ¹ Although the Opinion was issued on April 15, 2011, the same day Plaintiffs'
27 Supplemental Brief was filed pursuant to the Court's Order requesting Plaintiffs'
28 address Defendants' amendments to San Francisco Police Code section 1290, Plaintiffs
were not yet aware of Court of Appeals' opinion in *Dearth v. Holder* at the time of
filing.

