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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. C09-2143 RS

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THOMAS BOYER, LARRY BARSETTI,)

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DAVID GOLDEN, NOEMI MARGARET)

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ROBINSON, NATIONAL RIFLE)

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ASSOCIATION OF AMERICA, INC. SAN)

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FRANCISCO VETERAN POLICE)

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OFFICERS ASSOCIATION,)

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DECLARATION OF CLINTON B. MONFORT IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO FILE SUPPLEMENTAL COMPLAINT

Hearing Date: June 9, 2011
Time: 1:30 p.m.
Place: Courtroom 3, 17th Fl.

Hon. Richard Seeborg

Plaintiffs

vs.

CITY AND COUNTY OF SAN FRANCISCO, MAYOR EDWIN LEE, in his official capacity; ACTING POLICE CHIEF JEFF GODOWN, in his official capacity, and Does 1-10,

Defendants.

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DECLARATION OF CLINTON B. MONFORT

I, Clinton B. Monfort, declare as follows:

1. I am over the age of eighteen and not a party to this action. I am the attorney licensed to practice law before all district courts in the State of California. I am an associate attorney at the law firm Michel & Associates, P.C., attorneys of record for Plaintiffs in this action.

2. On or about March 31, 2011, while reviewing Defendants' Reply in support of their Motion to Dismiss, our office learned that Defendants' amended its policies prohibiting the discharge of firearms within City and County limits.

3. In the time that has passed since the filing of their Supplemental Brief in Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss on April 15, 2011, Plaintiffs have formed the opinion that the proper way to proceed is to file a supplemental complaint that fully and specifically addresses Plaintiffs' Second Amendment challenge to San Francisco Police Code section 4502 because the focus and specifics of this challenge differ somewhat from Plaintiffs' section 1290 challenge.

4. On or about April 26, 2011, our office contacted Sherri Sokeland Kaiser, Defendants' attorney of record, asking Defendants to stipulate to the filing of a supplemental complaint addressing Defendants' revised firearms discharge ordinances. Ms. Kaiser responded, indicating that Defendants would not stipulate because, in their opinion, Plaintiffs lack standing to bring the claim. She then stated that, should the Court find Plaintiffs have standing, Defendants might alter their position. Our office responded, suggesting to Ms. Kaiser that Plaintiffs would not file a supplemental complaint if the Court found Plaintiffs to lack standing, but would likely pursue the issue on appeal. Our office also assured her that, if Plaintiffs were found to have standing and their supplemental complaint was filed to include a challenge to section 4502, Plaintiffs would move to dismiss their challenge to section 1290. Defendants' counsel also suggested they would need to review any supplemental filings prior to determining whether Defendants would stipulate to the filing of supplemental pleadings.

5. On or about April 28, 2011 provided Defendants with a draft of Plaintiffs' Supplemental Complaint, and requested they inform our office by the close of business on

1 Monday, May 2, 2011, whether Defendants would oppose Plaintiffs' filing of a Supplemental
2 Complaint.

3 6. On or about May 2, 2011, Plaintiffs counsel contacted Defendants Counsel, including
4 both Ms. Kaiser and Wayne Snodgrass, again inquiring of Defendants' position with regard to the
5 filing of supplemental pleadings. Plaintiffs' reminded Defendants' counsel of Plaintiffs' intention
6 to file a Motion for Leave to File Supplemental Complaint on May 3, 2011, such that the Court
7 would have a copy of Plaintiffs' proposed Supplemental Complaint, and a formal request to file
8 such supplemental pleadings, on file prior to hearing on Defendants' Motion to Dismiss Plaintiffs
9 Complaint, currently scheduled for hearing on May 5, 2011, as the issue of filing a supplemental
10 complaint might likely arise during that hearing.

11 7. As of the time of filing, Plaintiffs have not received a response from Defendants or their
12 counsel of record with regard to Plaintiffs' e-mail of April 28, 2011, in which Plaintiffs' inquired
13 of Defendants' position regarding the filing of supplemental pleadings addressing amended San
14 Francisco Police Code section 4502.

15 8. Attached hereto as Exhibit A is a true and accurate copy of Plaintiffs' Proposed
16 Supplemental Complaint.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed on May 3,
18 2011.

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20 /S/ Clinton B. Monfort
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ESPANOLA JACKSON, PAUL COLVIN,) **CASE NO.: CV-09-2143-PJH**
THOMAS BOYER, LARRY BARSETTI,)
DAVID GOLDEN, NOEMI MARGARET)
ROBINSON, NATIONAL RIFLE)
ASSOCIATION OF AMERICA, INC. SAN)
FRANCISCO VETERAN POLICE)
OFFICERS ASSOCIATION,)

Plaintiffs

vs.

CITY AND COUNTY OF SAN)
FRANCISCO, MAYOR EDWIN LEE, in)
his official capacity; ACTING POLICE)
CHIEF JEFF GODOWN, in his official)
capacity, and Does 1-10,)

Defendants.

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

**DECLARATION OF CLINTON B. MONFORT IN SUPPORT OF PLAINTIFFS’
MOTION FOR LEAVE TO FILE SUPPLEMENTAL COMPLAINT**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Sherri Sokeland Kaiser, Deputy City Attorney
City and County of San Francisco
Office of the City Attorney
City Hall 1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102 - 4682

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 3, 2011.

_____/S/
C. D. Michel
Attorney for Plaintiffs