1 2 3 4 5 6 7 8	C. D. Michel - S.B.N. 144258 Glenn S. McRoberts - S.B.N. 144852 Clinton Monfort - S.B.N. 255609 MICHEL & ASSOCIATES, PC 180 E. Ocean Boulevard, Suite 200 Long Beach, CA 90802 Telephone: 562-216-4444 Facsimile: 562-216-4445 Email: cmichel@michellawyers.com Attorneys for Plaintiffs	TATES DISTR	ICT COURT			
9	IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA					
10	SAN FRANCISCO DIVISION					
10	ESPANOLA JACKSON, PAUL COLVIN,) CASE NO.: CV-09-2143-RS					
12	THOMAS BOYER, LARRY BARSETTI,)				
13	ROBINSON, NATIONAL RIFLE ASSOCIATION OF AMERICA, INC. SAN	[PROPOSED] ORDER GRANTING MOTION TO STRIKE PORTIONS OF DEFENDANTS' ANSWER				
14	FRANCISCO VETERAN POLICE OFFICERS ASSOCIATION,) Fed. R. Civ. P. 12(f)				
15	Plaintiffs))				
16	vs.) Hearing:) Time:	December 15, 2011 1:30 p.m.			
17	CITY AND COUNTY OF SAN FRANCISCO, THE MAYOR OF) Place:	Courtroom 3 - 17 TH Floor San Francisco Courthouse 450 Golden Gate Ave.			
18	SAN FRANCISCO, AND THE CHIEF OF THE SAN FRANCISCO POLICE))	San Francisco, CA 94102			
19	DEPARTMENT, in their official capacities, and DOES 1-10,))				
20	Defendants.))				
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	[PROPOSED] ORDER CV-09-2143-RS					

1	Plaintiffs' Motion to Strike Portions of Defendants' Answer was came on for hearing			
2	before this Court on December 15, 2011, C.D. Michel and Clinton Monfort appearing for			
3	Plaintiffs and Sherri Sokeland Kaiser appearing for Defendants. After consideration of the briefs			
4	and arguments of counsel, and all other matters presented, the Court finds that Defendants'			
5	renewed ripeness and standing challenges are insufficient as a matter of law because neither raise			
6	proper affirmative defenses and because no disputed fact or issue of law exists that would allow			
7	Defendants to succeed.			
8	The Court hereby GRANTS Plaintiffs' Motion to Strike Portions of Defendants' Answer.			
9	Defendants' first and second affirmative defenses and the phrase "Plaintiffs lack standing, their			
10	claims against Section 4512 and 613.10(g) are unripe, and" of paragraph 10, lines 10-11, are			
11	hereby stricken from Defendants' Answer. The Court further orders:			
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16	IT IS SO ORDERED.			
17	Date:			
18	Honorable Judge Richard Seeborg			
19	United States District Court Judge			
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	[PROPOSED] ORDER CV-09-2143-RS			

1	IN THE UNITED STATES DISTRICT COURT				
2	FOR THE NORTHERN DISTRICT OF CALIFORNIA				
3	SAN FRANCISCO DIVISION				
4	ESPANOLA JACKSON, PAUL COLVIN,) THOMAS BOYER, LARRY BARSETTI,)	CASE NO.: CV-09-2143-RS			
5 6	DAVID GOLDEN, NOEMI MARGARET) ROBINSON, NATIONAL RIFLE) ASSOCIATION OF AMERICA, INC. SAN)	CERTIFICATE OF SERVICE			
7	FRANCISCO VETERAN POLICE OFFICERS ASSOCIATION,				
8	Plaintiffs)				
9	vs.				
10	CITY AND COUNTY OF SAN FRANCISCO, THE MAYOR OF				
11	SAN FRANCISCO, AND THE CHIEF OF THE SAN FRANCISCO POLICE OF THE SAN FRANCISCO POLICE OF THE SAN FRANCISCO POLICE				
12 13	DEPARTMENT, in their official capacities,) and DOES 1-10,				
14	Defendants.				
15					
16	IT IS HEREBY CERTIFIED THAT:				
17	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.				
18	I am not a party to the above-entitled action. I have caused service of:				
19	[PROPOSED] ORDER GRANTING MOTION AND MOTION TO STRIKE PORTIONS OF DEFENDANTS' ANSWER; POINTS AND AUTHORITIES IN SUPPORT				
20 21	on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.				
22	Wayne Snodgrass, Deputy City Attorney Sherri Kaiser, Deputy City Attorney				
23	City and County of San Francisco Office of the City Attorney				
2425	City Hall 1 Drive Carlton B. San Francisco, CA 94102				
26	I declare under penalty of perjury that the foregoing is true and correct. Executed on				
27	November 7, 2011.				
28	C. D. Michel Attorney for Plaintiffs'				
	[PROPOSED] ORDER CV-09-2143-RS				
	" [I KOI OSED] OKDEK C Y-03-2143-KS				