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6 Attorneys for Plaintiffs

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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11 ESPANOLA JACKSON, PAUL COLVIN, ) **CASE NO.: CV-09-2143-RS**  
THOMAS BOYER, LARRY BARSETTI, )  
12 DAVID GOLDEN, NOEMI MARGARET ) **NOTICE OF INTENTION TO NOT AMEND**  
ROBINSON, NATIONAL RIFLE ) **COMPLAINT AND REQUEST FOR COURT**  
13 ASSOCIATION OF AMERICA, INC. SAN ) **ORDER SETTING DEADLINE FOR**  
FRANCISCO VETERAN POLICE ) **RESPONSIVE PLEADING**  
14 OFFICERS ASSOCIATION, )

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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. )

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 Plaintiffs Espanola Jackson, Paul Colvin, Thomas Boyer, Larry Barsetti, David Golden,  
3 Noemi Margaret Robinson, National Rifle Association, Inc., and San Francisco Veteran Police  
4 Officers Association (collectively, "Plaintiffs"), through their attorneys of record, hereby  
5 respectfully submit notice of their intention to not file an amended complaint including new  
6 challenges to San Francisco Police Code sections 4502 and 4506, and instead to allow the Court's  
7 recent order dismissing Plaintiffs' Third Claim for Relief, challenging Police Code section 1290,  
8 as moot in light of recent amendments to the Police Code to stand.

9 In the Court's Order Denying Motion to Dismiss for Lack of Standing, the Court dismissed  
10 as moot Plaintiffs' challenge to Police Code section 1290, as that section has been amended since  
11 the filing of this lawsuit and no longer governs the discharge of firearms within the City and  
12 County of San Francisco. The Order further directed Plaintiffs to file within fifteen (15) days any  
13 amended complaint challenging Police Code sections 4502 and 4506, having been amended to  
14 allow certain discharges of firearms in self-defense.

15 Plaintiffs have decided not to amend their claim challenging section 1290 to pursue new  
16 challenges to the newly amended Police Code sections 4502 and 4506 through this litigation.

17 Unless the Court, via its Order Denying Motion Dismiss for Lack of Standing, requires or  
18 desires Plaintiffs to file an amended complaint to pursue Plaintiffs' remaining challenges to Police  
19 Code sections 4512 and 613.10(g) and/or to expressly delete the claim regarding newly amended  
20 section 1290, Plaintiffs are prepared and intend to move forward with this litigation through  
21 Plaintiffs' Amended Complaint filed August 24, 2009. To that end, Plaintiffs respectfully request  
22 the Court issue an order that Defendants file a responsive pleading to Plaintiffs' Amended  
23 Complaint 14 days from the service of this notice.

24 Date: October 4, 2011

**MICHEL & ASSOCIATES, P.C.**

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C. D. Michel  
Attorney for Plaintiffs

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION

4 ESPANOLA JACKSON, PAUL COLVIN, ) CASE NO.: CV-09-2143-RS  
5 THOMAS BOYER, LARRY BARSETTI, )  
6 DAVID GOLDEN, NOEMI MARGARET )  
7 ROBINSON, NATIONAL RIFLE ) CERTIFICATE OF SERVICE  
8 ASSOCIATION OF AMERICA, INC. SAN )  
9 FRANCISCO VETERAN POLICE )  
10 OFFICERS ASSOCIATION, )  
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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:

**NOTICE OF INTENTION TO NOT AMEND COMPLAINT AND REQUEST FOR COURT ORDER SETTING DEADLINE FOR RESPONSIVE PLEADING**

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

Wayne Snodgrass, Deputy City Attorney  
Sherri Kaiser, Deputy City Attorney  
City and County of San Francisco  
Office of the City Attorney  
City Hall 1 Drive Carlton B.  
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 4, 2011.

/S/  
C. D. Michel  
Attorney for Plaintiffs