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5 Attorneys for Defendant
COUNTY OF SAN MATEO

ENDORSED FILED
SAN MATEO COUNTY

DEC 15 2011

Clerk of the Superior Court
By S. Peyrot
DEPUTY CLERK

8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN MATEO**

11 ULYSSES S. GRANT EARLY IV, et al.,

12 Plaintiffs,

13 vs.

14 COUNTY OF SAN MATEO,

15 Defendant.

Case No. 509185

**NOTICE OF HEARING ON DEMURRER
AND DEMURRER**

Hearing:

Date: ~~March 5, 2012~~ *April 24, 2012*

Time: 9:00 a.m.

Dept: Law and Motion

17 **NOTICE OF DEMURRER**

18 **TO ALL PARTIES AND TO THEIR ATTORNEYS ON RECORD:**

19 PLEASE TAKE NOTICE THAT on ~~March 5, 2012~~ *April 24, 2012* at 9:00 a.m. or as soon thereafter as the

20 matter may be heard in the Law and Motion Department of the San Mateo County Superior County
21 Superior Court, located at 400 County Center, Redwood City, California, 94063, Defendant COUNTY
22 OF SAN MATEO will move and hereby does move the court for an order sustaining its demurrer to the
23 Complaint.

24 This demurrer is based upon this notice, the attached Memorandum of Points and Authorities
25 filed in support thereof, the pleadings, records and files in this action, other documents that may be
26 judicially noticed and upon such oral argument that maybe presented at the hearing on this demurrer.

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1 **DEMURRER**

2 Defendant COUNTY OF SAN MATEO, demurs to the Complaint filed by Plaintiffs Ulysses S.
3 Grant Early IV, Gene Hoffman and the Calguns Foundation, Inc. ("Plaintiffs") on each of the following
4 grounds:

5 **Demurrer to First Cause of Action for Declaratory Relief**

6 The First Cause of Action for Declaratory relief fails because the County's Ordinance, Section
7 3.68.080(o) is not, as a matter of law preempted by California law.

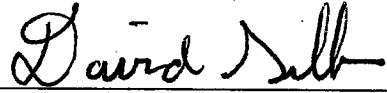
8 **Demurrer to Second Cause of Action for Injunction**

9 The Second Cause of Action for an Injunction fails because the County's Ordinance, Section
10 3.68.080(o) is not, as a matter of law preempted by California law.

11
12 Dated: December 15, 2011

Respectfully submitted,

13 JOHN C. BEIERS, COUNTY COUNSEL

14
15 By: 
16 _____
David A. Silberman, Deputy

17 Attorneys for Defendant
18 COUNTY OF SAN MATEO