

Subject: Sykes, Gura and the NRA interfering once again with Second Amendment litigation
From: "Gary W. Gorski" <usrugby@pacbell.net>
Date: Tue, 12 May 2009 15:18:50 -0700
To: <hoffmang@hoffmang.com>
CC: "Jim March" <1.jim.march@gmail.com>, <alan@gurapossessky.com>, <a1@alangura.com>, <AdminForWeb@saf.org>

Mr. Hoffman,

I was asked to contact you regarding Rothery v. Blanas, 08-CV-2064-JAM-KJM and Mehl v. Blanas, 03-CV-2682-MCE-KJM. Mehl is set for argument in June, which Nordyke paved the way as a slam dunk – definitely a remand at a minimum. Attached please find my reply brief, which cites every single CCW application and campaign record, along with declarations and testimony gathered to date. That record is over 2000 pages in length. In my current CCW cases, attorney Gura has already attempted to interfere with my litigation. Which begs the question: What discovery has Gura ever generated regarding what is really going on in California?

First, I would like to point out that Gura has already attempted to taint my two CCW cases – he is nothing more than an officious meddler. He had this to say in his Notice of Related Case filing, attached hereto: “Moreover, Plaintiffs note that a Rule 12 motion filed by Defendants in Rothery has gone unopposed **and thus may be treated by the Court as conceded.**” Well, since Gura is not a trial attorney, he would not know that as a matter of right, I can, and did, file an amended complaint – completely negating the County’s motion as moot. See attached order stating such. Are these the types of filings one can expect from Gura? If so, then he is an absolute idiot and fuck up – but more importantly, a joke to the Court and “real” attorneys. PLEASE read the attached order carefully and compare to what Gura stated. Note the final ruling: “**In light of Plaintiffs’ Amended Complaint, the Court DENIES Defendants’ Motions to Dismiss, Motion to Strike, and Motion for a More Definite Statement as moot.**” Now, that does not sound like a concession to me – it sounds like we bamboozled the defense, they showed their hand, and now we have a much better, stronger complaint on file.

Compare my strategy of allowing the defendants to file their motions and

attacking the Complaint and pointing out weaknesses, then amending to have a solid complaint on file; with that of Gura who already filed an amended complaint in Sykes and is now relegated to a motion challenge with no way out. I'm sure Gura learned a lot about Civil Procedure just from this email already.

If Nordyke was the best he could come up with, then his motivation is in serious doubt. As Prof. Volokh points out, the idea that Nordyke could win on the merits was a joke. Of course the county can regulate whether guns are sold on "their" own property. So, several years of litigation produced an opinion that was inevitable to the extent that Nordyke was going to lose on the merits, though fine precedent did come out of it. In Silveria, which many have forgotten, I did prevail on "Equal Protection" grounds which set up a foundation for challenging gun laws that have a double standard. BTW: We were awarded attorney fees in that case because we were the prevailing party, unlike Gura in Nordyke.

Now, Gura has filed a case that is already dead in the water. He selected one plaintiff (Sykes) whose claim is time barred, and the other two plaintiffs never applied and therefore there will be a standing issue out of the gate.

With regard to Sykes, I may be able to save her case by including her in as "class representative", so if she wants, she can save herself and be dismissed from the inevitable loss that now awaits her and be included in my class action case. Gura has an ethical obligation to inform her of this option because if she remains in his litigation, she cannot be included in the class that I am seeking, which will go back 16 years. Sykes filed her CCW application in 2004, and the statute of limitations in 1983 actions in California is two years. Her case is tossed for sure.

Hence, tell Gura he is a punk, and to stay out of my fucking business. As far as I'm concerned, he is a walking cluster-fuck as an attorney. And since I don't hide behind emails, we (including Gura) can all have a beer (on me at a place of your choosing) to discuss this further. And if you doubt that I would tell Gura to suck my dick to his face, then lets meet, and I think a meeting would go over well because he will then know how serious I take my work

and if he wants to dick around on wasted efforts – that is on him and his poor clients; but keep him the fuck out of my clients cases.

In sum, I've tried more cases, taken more depositions, made and opposed more motions, and filed more pleadings that all the NRA attorneys combined. Let the litigators handle the court work and tell them all to keep writing books and raising funds. I'm not Prof. Levi – and I liked how Gura and the NRA fucked him over. Prof. Levi had every right to be pissed, and I'm sure if he were not a gentleman that I am not, then he would be writing the same type of email. What gets me is what took Gura so long to even file a Second Amended case – maybe because I filed first, but guess what, I'm beating him to the punch on the CCW application process in California – oral argument in June, and there is nothing he can do except watch how the pros really handle appellate work. FYI: His oral argument before the Court was horrible, and the judges had to spoon feed him – Mr. Kilmer, on the hand, did an excellent job at the 9th.

BTW: Gura was cced on this email, just so you know I don't talk shit behind anyone's back, unlike Gura – if he's got a problem, then have him contact me directly and lets talk facet to face.

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