

No. 10-56971, 11-16255

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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EDWARD PERUTA, et al.,

*Plaintiffs-Appellants,*

v.

COUNTY OF SAN DIEGO, et al.,

*Defendants-Appellees.*

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Appeal from the United States District Court for the  
Southern District of California, No. 3:09-cv-02371-IEG-BGS  
(Hon. Irma Gonzalez, Judge)

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**MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURAE* THE  
MADISON SOCIETY, INC. IN SUPPORT OF AFFIRMANCE OF THE  
THREE-JUDGE PANEL'S DECISION**

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## **INTRODUCTION**

Pursuant to Rule 29(b) of the Federal Rules of Appellate Procedure, The Madison Society, Inc. requests leave to file the accompanying *amicus curae* brief in support of Appellants Edward Peruta, et al. Appellants consented to the filing of this brief. Appellees have not consented to filing.

## **IDENTITY AND INTEREST OF AMICUS**

The Madison Society, Inc., is a membership organization the purpose of which is the preservation and protection of the constitutional right to keep and bear arms for its members and all responsible, law-abiding citizens. The organization spends time and resources on outreach, education, and training related to assisting its member and the general law-abiding public in obtaining and maintaining licenses to carry firearms for self-defense and other exercises of their Second Amendment rights. As The Madison Society, Inc. places such a strong focus on firearms education and assistance with the permitting process it is keenly interested in this case's potential effects on the legality of public possession of firearms in California and changes to concealed-carry permitting processes.

**THE MADISON SOCIETY, INC.’S BRIEF WILL ASSIST THE COURT  
AND IS RELEVANT TO THE DISPOSITION OF THE CASE**

The Madison Society, Inc. offers this *amicus* brief to elucidate the effect of social convention on the history of concealed weapons laws as touched upon in the majority opinion of the three-judge panel. *Peruta v. County of San Diego* 742 F.3d 1144, 1172 (9th Cir. 2014). The difference in understanding of the roots of historical concealed weapons laws is the difference at the root of the disagreement between the majority and the dissent about the scope of the Second Amendment to the United States Constitution. The Madison Society, Inc. believes that a closer look at the dialogue between 19<sup>th</sup>-century courts on the topic of concealed weapons and its effect on today’s concealed weapons laws will help the Court by “assisting in a case of general public interest, supplementing the efforts of counsel and drawing the court’s attention to law that might otherwise escape consideration” – or, at least, to a fine point or two of law already under consideration. *Funbus Systems, Inc. v. State of California Public Utilities Commission*, 801 F.2d 1120, 1125 (9th Cir. 1986).

## CONCLUSION

For the above stated reasons, The Madison Society, Inc.'s motion for leave to file an *amicus curae* brief should be GRANTED.

Dated: April 30, 2015

Respectfully submitted,

/s/ Brandon Kilian

Brandon Kilian

Attorney for *amicus curae*

THE MADISON SOCIETY, INC.

**CERTIFICATE OF SERVICE**

On this, the 30<sup>th</sup> day of April, 2015, I served the foregoing Motion for Leave to File Brief of *Amicus Curae* by electronically filing it with the Court's CM/ECF system, which generated a Notice of Filing and effects service upon counsel for all parties in the case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30<sup>th</sup> day of April, 2015, at La Grange, California.

/s/ Brandon Kilian\_\_\_\_\_

Brandon Kilian