

EXHIBIT C

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12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

14
15
16 IVAN PENA, ROY VARGAS, DONA
17 CROSTON, BRETT THOMAS, SECOND
18 AMENDMENT FOUNDATION, INC.
AND THE CALGUNS FOUNDATION,
INC.

19 Plaintiffs,

20 vs.

21 STEPHEN LINDLEY,

22 Defendant.

Case No: 2:09-CV-01185-KJM-CMK

**PLAINTIFF IVAN PENA'S RESPONSE
TO DEFENDANT STEPHEN
LINDLEY'S FIRST SET OF
REQUESTS FOR ADMISSIONS**

1 TO THE DEFENDANT HEREIN AND TO ITS ATTORNEYS OF RECORD:
2 PLAINTIFFS, by their attorney of record, hereby respond to the Request for Admissions
3 served on them, by Defendant, as follows:
4

5 **RESPONSES TO REQUESTS FOR ADMISSION**

6 **REQUEST FOR ADMISSION NO. 1**

7 Admit that you own at least one operable handgun that is suitable for self-defense.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 1**

9 OBJECTION: Plaintiff objects on grounds that the request does not seek information
10 that is either relevant or calculated to lead to the discovery of relevant evidence.

11 RESPONSE: Without waiving the aforementioned objections, Plaintiff responds: I admit
12 that I have at least one fully functional handgun, as defined in Penal Code section 16640, which
13 may be suitable for self-defense purposes in certain circumstances, but may not be suitable for
14 self-defense purposes in other circumstances.
15

16 **REQUEST FOR ADMISSION NO. 2**

17 Admit that you are able to purchase an operable handgun that is suitable for self-defense.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 2**

19 OBJECTION: This request is so vague or ambiguous as to be burdensome or oppressive
20 as to the meaning of "suitable for self-defense." Moreover, Plaintiff would have to speculate as
21 to the meaning of the phrase "suitable for self-defense." Firearms are tools. While one firearm
22 may be suitable for self-defense in one scenario, it may not be suitable for self-defense in another
23 scenario. As such, the term "suitable for self-defense" is too vague and ambiguous to properly
24 respond to.

25 RESPONSE: Without waiving the aforementioned objections, Plaintiff responds:
26 Admit.

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28 ///

1 **REQUEST FOR ADMISSION NO. 3**

2 Admit that you are able to obtain a Para USA (Para Ordinance) P1345SR/Stainless Steel
3 .45 ACP 4.25" through a private-party transfer under California Penal Code section 32210(a).

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 3**

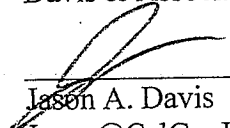
5 **OBJECTION:** This request is so vague or ambiguous as to be burdensome or oppressive
6 as to the meaning of "able to obtain." Does this term, in the context of the request, mean
7 physically able, financially able, legally able, or logistically able? Moreover, Plaintiff would
8 have to speculate as to the meaning of the phrase "able to obtain."

9 **OBJECTION:** This request seeks an admission pertaining to statements of law. Such
10 matters are outside the scope of information permitted by the applicable court rules governing
11 Requests for Admissions.

12 **RESPONSE:** Subject to the foregoing objections without waiving same, Denied.
13 Plaintiff is unaware of any private parties with a California Driver License, California
14 Identification Card or Military identification card who possess such a firearm in an unaltered
15 factory manufactured condition. Nor is Plaintiff aware of any private parties with a California
16 Driver License, California Identification Card or Military identification card who are willing to
17 sell said firearm in an unaltered factory manufactured condition. And, such a firearm is not on
18 the list of handguns approved for a California licensed dealer direct sale in California.

19 Date: December 11, 2012

20
21 WITH RESPECT TO OBJECTIONS ONLY
22 Respectfully submitted,
23 Davis & Associates

24 
25 _____
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28 Attorneys for plaintiffs