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## **Law-Abiding Woman and Two Gun Rights Advocacy Groups File Appeal Brief in Lawsuit Over Illegal Gun Seizures**

SAN FRANCISCO (February 26, 2018) — In a long-running dispute over the City of San Jose’s seizure of firearms from the wife of a man treated for a mental health issue, two Second Amendment advocacy groups announced today that an opening brief was filed at the federal Ninth Circuit Court of Appeals in San Francisco.

One night in January 2013, Lori Rodriguez sought assistance for her husband, Edward. After he was compassionately placed into the care of mental health professionals, a San Jose Police Department officer told Lori that he would need to seize all of their guns, which were safely locked away out of the reach of Edward, including one handgun exclusively owned by and registered to her. In spite of the fact that Mrs. Rodriguez did not give consent, and without a warrant, Officer Valentine took all of the family’s guns from her.

Since then, the California Department of Justice’s Bureau of Firearms has confirmed that Mrs. Rodriguez is a law-abiding person with no firearms disability, and that the guns the City seized and continues to hold are all registered only to her. But the City of San Jose continues to refuse Lori’s efforts to recover them, even though state laws say she can.

“All of the decisions made by government actors up to this point have been wrong, and their decisions have become less rational as the case has dragged on,” wrote Donald Kilmer, the San Jose-based attorney for the plaintiffs, in the brief. The City of San Jose’s refusal “to return her gun and the firearms that she lawfully transferred from her husband to herself violates the Constitution.”

“What the City of San Jose is arguing is that the government can take your guns and never give them back, even if you’re a law-abiding person who can legally go out and acquire guns under federal and state laws, and even if you are complying with state laws on the storage of firearms,” said Brandon Combs, the executive director of The Calguns Foundation. “The City’s policy and actions towards Mrs. Rodriguez are unconstitutional and unconscionable.”

“This case tests the limits of the gun-control crowd’s arguments that they only want reasonable regulations relating to background checks and safe-storage,” explained Kilmer. “Lori did comply with all these laws, and she is still complying with all these laws. Yet the City of San Jose still won’t return her property.

“We hope the Ninth Circuit will reach the correct result here, which is the return of Lori’s firearms and an opinion that prevents future violations like this.”

The *Rodriguez v. City of San Jose* case is supported by the Second Amendment Foundation and Sacramento-based The Calguns Foundation. A copy of the opening brief can be viewed at [www.calgunsfoundation.org/rodriguez](http://www.calgunsfoundation.org/rodriguez).

**The Calguns Foundation** ([www.calgunsfoundation.org](http://www.calgunsfoundation.org)) is a 501(c)3 non-profit organization that serves its members, supporters, and the public through educational, cultural, and judicial efforts to advance Second Amendment and related civil rights.

**Second Amendment Foundation** ([www.saf.org](http://www.saf.org)) is the nation's oldest and largest tax-exempt education, research, publishing and legal action group focusing on the Constitutional right and heritage to privately own and possess firearms. Founded in 1974, the Foundation has grown to more than 650,000 members and supporters and conducts many programs designed to better inform the public about the consequences of gun control.

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