



1 required, plaintiffs respectfully request this be considered a motion for such  
2 approval.

### 3 BACKGROUND

4 In March of 2008, John Stewart Company formally amended its House Rules  
5 for Valencia Gardens to prohibit the possession of firearms in the home by  
6 residents of Valencia Gardens. From March 2008 to the present, it has been the  
7 policy of John Stewart Company that all residents of Valencia Gardens are  
8 prohibited from keeping or possessing any firearms or ammunition in the home for  
9 self-defense or any other lawful purpose.

10 On June 26, 2008 the Supreme Court of the United States ruled on whether  
11 the Second Amendment of the United States Constitution protects an individual  
12 right to keep and bear arms in the case of *Heller v. District of Columbia*, (2008)  
13 128 S. Ct. 2783. In *Heller*, the Supreme Court held that the Second Amendment  
14 protects an individual right to possess a firearm unconnected with service in a  
15 militia, and to use that arm for all traditionally lawful purposes, including self-  
16 defense within the home. (*Id.*)

17 In light of the United States Supreme Court's decision in *Heller*, plaintiffs  
18 filed suit against the John Stewart Company on the grounds that the  
19 aforementioned policies of John Stewart Company regarding the prohibition on the  
20 possession of firearms and ammunition by law abiding tenants are unconstitutional.

21 Following the commencement of this action by plaintiffs, defendant John  
22 Stewart Company agreed to amend its House Rules to remove the prohibition on  
23 the lawful possession of firearms and ammunition. Defendant John Stewart  
24 Company further agreed that, effective immediately, Defendant and its agents and  
25 representatives will not at any time enforce the provisions of the House Rules  
26 relating to the lawful possession of firearms and ammunition. The complete terms  
27 of this agreement are provided in the Stipulation Regarding Settlement and  
28 Dismissal filed concurrently with this Notice of Dismissal.

1           Accordingly, plaintiffs now move to dismiss the above-captioned action  
2 without prejudice.

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Date: January 29, 2009

TRUTANICH • MICHEL, LLP

  
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C. D. Michel  
Attorney for Plaintiffs

The clerk shall close the file.

