

Adult Bookstore Owner Just A Bit Too Late

Adult bookstore owner Earl Kuhns was just too late in his bid to overturn a county decision denying a permit for his new store on Portola Drive.

Superior Court Judge Donald May ruled Wednesday the statute of limitations — under which Kuhns could have filed a court appeal — had run out.

He said a state rule set the limit at 180 days.

Kuhns filed his action 233 days after the final denial by the board of supervisors was made Dec. 9, 1975, May said.

Kuhns had sought to put an adult bookstore on Portola Drive, but was stopped by a denial by the board of supervisors.

His attorneys in court argued the statute of limitations for the appeal had not run out. They said he had four years in which to appeal.

They also said the denial was a violation of first amendment rights.

May did not take up the question of first amendment violations in his two-page decision.

He noted that the state limit of 180 days applied in this case, and even if it did not, a county ordinance setting the limit at 30 days could be applicable.

Kuhns' application for the bookstore had met with protest from residents in the area.