

1 Alan Gura (Calif. Bar No. 178221)  
Gura & Possessky, PLLC  
2 101 N. Columbus St., Suite 405  
Alexandria, VA 22314  
3 703.835.9085/Fax 703.997.7665

4 Donald E.J. Kilmer, Jr. (Calif. Bar No. 179986)  
Law Offices of Donald Kilmer, A.P.C.  
5 1645 Willow Street, Suite 150  
San Jose, CA 95125  
6 408.264.8489/Fax 408.264.8487

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Deanna Sykes, et al., )

11 Plaintiffs, )

12 v. )

13 John McGinness, et al., )

14 Defendants. )

Case No. 2:09-cv-01235-MCE-KJM

NOTICE OF MOTION AND  
MOTION FOR SUMMARY  
JUDGMENT [Fed. R. Civ. Proc. 56]

Date: Sept. 24, 2009  
Time: 2:00 p.m.  
Dept: 7, 14<sup>th</sup> Floor  
Judge: Morrison C. England, Jr.  
Trial Date: None  
Action Filed: May 5, 2009

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17 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

18 PLEASE TAKE NOTICE that on Thursday, September 24, 2009, at 2:00 p.m. or as soon  
19 thereafter as the matter may be heard, in Courtroom 7 of the United State District Court for the  
20 Eastern California, 501 I Street, Sacramento, California 95814 Plaintiffs Deanna Sykes, Andrew  
21 Witham, Adam Richards, Second Amendment Foundation, Inc. and The Calguns Foundation,  
22 Inc., by and through undersigned counsel, will move this Honorable Court to enter a summary  
23 judgment in their favor and against Defendants pursuant to Fed. R. Civ. Proc. 56.

24 Plaintiffs move for entry of summary judgment on all claims as the material facts in this  
25 case are not in dispute, and Defendants' challenged policies violate Plaintiffs' rights under the  
26 Second and Fourteenth Amendments to the United States Constitution.

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1 This motion is based upon this notice of motion and motion, the attached memorandum of  
2 points and authorities, exhibits, declarations, separate statement of undisputed facts, any material  
3 in the Court's files, and any other relevant matter to be considered by the Court.

4 Dated: August 6, 2009

Respectfully submitted,

5 Donald E.J. Kilmer, Jr. (Calif. Bar No. 179986)  
6 Law Offices of Donald Kilmer, A.P.C.  
7 1645 Willow Street, Suite 150  
8 San Jose, CA 95125  
9 408.264.8489/Fax 408.264.8487  
10 E-Mail: Don@DKLawOffice.com

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Gura & Possesky, PLLC  
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Alexandria, VA 22314  
703.835.9085/Fax 703.997.7665

By: /s/Donald E.J. Kilmer, Jr./  
Donald E.J. Kilmer, Jr.

By: /s/Alan Gura/  
Alan Gura

Attorneys for Plaintiffs  
Attorneys for Plaintiffs

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