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11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA
14

15 Deanna Sykes, et al.,) Case No. 2:09-cv-01235-MCE-KJM
16)
17 Plaintiffs,) DECLARATION OF ALAN GURA
18)
19 v.)
20)
21 John McGinness, et al.,)
22)
23 Defendants.)
24)
25)
26)
27)
28)

29 DECLARATION OF ALAN GURA

30 I, Alan Gura, am competent to state, and testify to the following based on my personal
31 knowledge:

- 32 1. I am counsel for the Plaintiffs in the above-captioned matter.
33
34 2. On several occasions I have met and conferred with opposing counsel regarding
35 our summary judgment motion and the Defendants' related Rule 56(f) motion. I am pleased to
36 report that the relationship among counsel is very good and constructive despite our
37 disagreement about the merits of each others' motions.
38

1 3. I have explained our views of standing to opposing counsel and requested specific
2 information about their allegations that our clients might lack standing. The response has been
3 along the lines that Defendants do not wish to take on faith our allegations, including allegations
4 that the Plaintiffs reside in Sacramento County, or are law-abiding. However, apart from
5 generally being unwilling to admit the veracity of our claims, the Defendants have not identified
6 any specific factual allegation they believe to be untrue, or any particular fact they hope to
7 uncover at deposition, much less explaining how such fact would be relevant.
8

9 4. I have offered to have the Plaintiffs stipulate to any true fact that Defendants
10 believe may be relevant to the outcome of the motion. I have also consented to having
11 Defendants run a criminal background check on the Plaintiffs. I am aware that the Plaintiffs each
12 have lawfully purchased firearms, and Plaintiff Witham specifically undergoes repeated criminal
13 background checks owing to his employment and possession of exposed handgun and private
14 investigator licenses.
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16 5. Defendants' Rule 26 production included a copy of their file of Plaintiff Deanna
17 Sykes's denied application for a handgun carry permit. Included in that production were several
18 statements reflecting Plaintiff's Sacramento address, and a photocopy of her driver's license.
19 Clearly there is no need to take Plaintiff's deposition on the question of where she lives. Also
20 enclosed were Sykes's handgun training certificates.
21

22 6 Opposing counsel further indicated that they wish to depose the Plaintiffs to see if
23 they are truly unqualified under the published policies. However, the Plaintiffs have already
24 testified as to their basis for seeking a permit, in terms identical to those deemed insufficient
25 under the published policies. Opposing counsel have not revealed any facts about the Plaintiffs
26 that would entitle them to a gun carry permit under the published policies (e.g., specific threats).
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I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 26th day of August, 2009.

/s/Alan Gura/
Alan Gura