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

|    |                        |   |                                       |
|----|------------------------|---|---------------------------------------|
| 11 | Adam Richards, et al., | ) | Case No. 2:09-cv-01235-MCE-DAD (TEMP) |
|    |                        | ) |                                       |
| 12 | Plaintiffs,            | ) | NOTICE OF MOTION AND MOTION FOR       |
|    |                        | ) | SUMMARY JUDGMENT                      |
| 13 | v.                     | ) |                                       |
|    |                        | ) | [Fed. R. Civ. Proc. 56]               |
| 14 | Ed Prieto, et al.,     | ) |                                       |
|    |                        | ) |                                       |
| 15 | Defendants.            | ) | Date: February 10, 2011               |
|    |                        | ) | Time: 2:00 p.m.                       |
| 16 |                        | ) | Dept: 7, 14 <sup>th</sup> Floor       |
|    |                        | ) | Judge: Morrison C. England, Jr.       |
| 17 |                        | ) | Trial Date: None                      |
|    |                        | ) | Action Filed: May 5, 2009             |

19 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that on Thursday, February 10, 2011, at 2:00 p.m. or as soon  
21 thereafter as the matter may be heard, in Courtroom 7 of the United States District Court for  
22 the Eastern District of California, 501 I Street, Sacramento, California 95814 Plaintiffs Adam  
23 Richards, Brett Stewart, Second Amendment Foundation, Inc. and The Calguns Foundation,  
24 Inc., by and through undersigned counsel, will move this Honorable Court to enter a summary  
25 judgment in their favor and against Defendants pursuant to Fed. R. Civ. Proc. 56.  
26  
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1 Plaintiffs move for entry of summary judgment on all claims as the material facts in  
2 this case are not in dispute, and Defendants' challenged policies violate Plaintiffs' rights under  
3 the Second and Fourteenth Amendments to the United States Constitution.  
4

5 This motion is based upon this notice of motion and motion, the attached  
6 memorandum of points and authorities, exhibits, declarations, separate statement of  
7 undisputed facts, any material in the Court's files, and any other relevant matter to be  
8 considered by the Court.  
9

10 Dated: January 13, 2011

Respectfully submitted,

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

By: /s/Alan Gura/  
Alan Gura

Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

On this, the 13<sup>th</sup> day of January, 2011, I caused to be served a copy of the foregoing Notice of Motion and Motion for Summary Judgment, and attached Exhibits and Declarations, by PERSONAL DELIVERY on the following:

Bruce A. Kilday  
Serena M. Sanders  
Angelo, Kilday & Kilduff  
601 University Avenue, Suite 150  
Sacramento, CA 95825

I further certify that on this, the 13<sup>th</sup> day of January, 2011, the foregoing was filed using the Court's CM/ECF system, which would automatically generate electronic service on all counsel in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 13th day of January, 2011

/s/ Alan Gura  
Alan Gura