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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, 14th 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,

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

By: /s/Alan Gura/
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Attorneys for Plaintiffs
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