

1 Alan Gura (Calif. Bar No. 178221)
2 Gura & Possessky, PLLC
3 101 N. Columbus St., Suite 405
4 Alexandria, VA 22314
5 703.835.9085/Fax 703.997.7665

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

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

13 Adam Richards, et al.,) Case No. 2:09-cv-01235-MCE-DAD (TEMP)
14)
15 Plaintiffs,)
16)
17 v.)
18) [Fed. R. Civ. Proc. 56]
19 Ed Prieto, et al.,)
20)
21 Defendants.)

Date: February 10, 2011
Time: 2:00 p.m.
Dept: 7, 14th Floor
Judge: Morrison C. England, Jr.
Trial Date: None
Action Filed: May 5, 2009

22 TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that on Thursday, February 10, 2011, at 2:00 p.m. or as soon
24 thereafter as the matter may be heard, in Courtroom 7 of the United States District Court for
25 the Eastern District of California, 501 I Street, Sacramento, California 95814 Plaintiffs Adam
26 Richards, Brett Stewart, Second Amendment Foundation, Inc. and The Calguns Foundation,
27 Inc., by and through undersigned counsel, will move this Honorable Court to enter a summary
28 judgment in their favor and against Defendants pursuant to Fed. R. Civ. Proc. 56.

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,

11 Donald E.J. Kilmer, Jr. (Calif. Bar No. 179986)
12 Law Offices of Donald Kilmer, A.P.C.
13 1645 Willow Street, Suite 150
14 San Jose, CA 95125
408.264.8489/Fax 408.264.8487
E-Mail: Don@DKLawOffice.com

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

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

By: /s/Alan Gura/
Alan Gura

Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

On this, the 13th 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 13th 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