

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 Jason A. Davis, Calif. Bar No.: 224250
12 Davis & Associates
13 27201 Puerta Real, Suite 300
14 Mission Viejo, CA 92691
15 949.310.0817/Fax 949.288.6894

16
17
18
19
20
21
22
23
24
25
26
27
28

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

Ivan Peña, et al.,)	Case No. 2:09-CV-01185-KJM-CKD
)	
Plaintiffs,)	NOTICE OF MOTION AND MOTION
)	FOR SUMMARY JUDGMENT
v.)	[Fed. R. Civ. P. 56]
)	
Stephen Lindley)	
)	
Defendant.)	
_____)	

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 22, 2013 at 10:00 a.m. or as soon thereafter as the matter may be heard, in Courtroom 3 (15th Floor) of the United State District Court for the Eastern California, 501 I Street, Sacramento, California 95814 Plaintiffs Ivan Peña, Roy Vargas, Doña Croston, Brett Thomas, the Second Amendment Foundation, Inc., and the Calguns Foundation, Inc., by and through

1 undersigned counsel, will move this Honorable Court to enter a summary judgment
2 in their favor and against Defendant pursuant to Fed. R. Civ. Proc. 56.

3
4 Plaintiffs move for entry of summary judgment on all claims as the material
5 facts in this case are not in dispute, and Defendant's challenged customs, practices
6 and policies violate Plaintiffs' rights under the Second and Fourteenth Amendments
7 to the United States Constitution.

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

13 Dated: October 25, 2013

Respectfully submitted,

14
15 Alan Gura, Cal. Bar No.: 178221
16 Gura & Possessky, PLLC
17 101 N. Columbus St., Suite 405
18 Alexandria, VA 22314
703.835.9085/Fax 703.997.7665
alan@gurapossessky.com

Donald E.J. Kilmer, Jr., Cal. Bar No. 179986
Law Offices of Donald Kilmer, A.P.C.
1645 Willow Street, Suite 150
San Jose, CA 95125
408.264.8489/Fax 408.264.8487
Don @DKLawOffice.com

19 /s/ Alan Gura
Alan Gura

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

20
21 Jason A. Davis, Cal. Bar No.: 224250
22 Davis & Associates
23 27201 Puerta Real, Suite 300
Mission Viejo, CA 92691
949.310.0817/Fax 949.288.6894

Attorneys for Plaintiffs