

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

4 Donald E.J. Kilmer, Jr. (Calif. Bar No. 179986)
Law Offices of Donald Kilmer, A.P.C.
5 1645 Willow Street, Suite 150
San Jose, CA 95125
6 408.264.8489/Fax 408.264.8487

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Deanna Sykes, et al.,) Case No.
11 Plaintiffs,)
12 v.) NOTICE OF RELATED CASES
13 John McGinness, et al.) [L.R. 83-123]
14 Defendants.)

15 NOTICE OF RELATED CASES

16 COME NOW the Plaintiffs, Deanna Sykes, Andrew Witham, Adam Richards, Second
17 Amendment Foundation, Inc. (“SAF”), and The Calguns Foundation, Inc. (“CGF”), by and
18 through undersigned counsel, and pursuant to Local Rule 83-123 provide notice that this action
19 may be related to:

20 *Rothery v. Blanas*, 08-CV-2064-JAM-KJM

21 *Mehl v. Blanas*, 03-CV-2682-MCE-KJM

22 The previously-filed cases contain numerous allegations of which Plaintiffs have no
23 knowledge and which, regardless of their merit, appear wholly unrelated to the instant case.
24 However, to the extent the earlier cases can be construed¹ as challenging the constitutionality of
25

26
27 ¹*But see* Fed .R. Civ. P. 8 (requiring short and plain statement of the case). The amended
28 complaint in *Rothery* spans 74 pages and 808 paragraphs of allegations, including a complicated
RICO conspiracy claim.

1 denying gun carry permits for lack of “moral character” and “good cause,” the cases are related.

2 It would be detrimental to the public interest to attempt answering the important
3 constitutional question raised by this case within the context of the earlier-filed cases, which do
4 not present the issue in a coherent fashion. Moreover, Plaintiffs note that a Rule 12 motion filed
5 by Defendants in *Rothery* has gone unopposed and thus may be treated by the Court as conceded.

6 Rule 83-123 contemplates the relation of cases where doing so “is likely to effect a
7 substantial savings of judicial effort.” Plaintiffs are confident that their presentation of the core
8 constitutional issues in this action will be efficient and coherent, enabling and the Court to render
9 a considered decision on the merits on dispositive motions raising only questions of law.

10 Dated: May 5, 2009

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/ Alan Gura
Alan Gura

16 Attorneys for Plaintiffs