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BY: WESTLEY RAMIREZ
 Deputy Clerk
 GORDON PARKILL, Clerk
 JAN 11 2006
 San Francisco County Superior Court
 ENDORSED
 FILED

7 Attorneys for Plaintiffs and Petitioners

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

By Fax

9 COUNTY OF SAN FRANCISCO

10 UNLIMITED JURISDICTION

11 PAULA FISCAL et al.,

) CASE NO. CPF-05-505960

12 Plaintiffs and Petitioners,

) NOTICE OF MOTION AND MOTION FOR
 WRIT OF MANDATE AND/OR
 13 PROHIBITION OR OTHER
 APPROPRIATE RELIEF

14 vs.

) Hearing Date: February 15, 2006
 Hearing Judge: Warren
 15 Time: 9:30 a.m.
 Location: Dept. 301

16 CITY AND COUNTY OF SAN FRANCISCO et al.,

) Date Action Filed: December 29, 2005
 Trial Date: None scheduled

17 Defendants and Respondents.
 18

19
 20 TO EACH PARTY AND THEIR ATTORNEY OF RECORD IN THIS ACTION:

21 PLEASE TAKE NOTICE that on February 15, 2006, at 9:30 a.m., or as soon thereafter as
 22 may be heard, Plaintiffs and Petitioners PAULA FISCAL et al., will, through their attorneys of record
 23 herein, move this Court at the San Francisco Superior Court located in 400 McAllister Street in San
 24 Francisco, Department 301, for a hearing on the Motion for Writ of Mandate and/or Prohibition or
 25 Other Appropriate Relief in this action in favor of said Plaintiffs and Petitioners.

26 This motion will be made on the grounds that the firearms ordinance approved by Defendants
 27 and Respondents on November 8, 2005 is contrary to and preempted by state law and violates the
 28 California and United States Constitutions. California Code of Civil Procedure section 1085, among

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27 and Respondents on November 8, 2005 is contrary to and preempted by state law and violates the
28 California and United States Constitutions. California Code of Civil Procedure section 1085, among

1 other statutes, provides for extraordinary writ relief in such circumstances.

2 This motion is made pursuant to the January 9, 2006 stipulation of the parties and the
3 accompanying Court Order which set a briefing/hearing schedule for this motion and allowed
4 plaintiffs and petitioners to file their motion regardless of whether Defendants and Respondents had
5 filed a responsive pleading to Plaintiffs/Petitioners' December 29, 2005 Writ Petition.

6 This motion will be based on this notice of motion, the accompanying points and authorities
7 served herewith, oral argument, and other evidence that may be presented.

8 Dated: January 11, 2006

TRUTANICH - MICHEL, LLP

9
10 
11 C. D. Michel
12 Attorney For Plaintiffs/Petitioners

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA

3 COUNTY OF LOS ANGELES

4 I, Claudia Ayala, am employed in Long Beach, Los Angeles County, California. I am over the
5 age eighteen (18) years and am not a party to the within action. My business address is 180 East
6 Ocean Blvd., Suite 200, Long Beach, California 90802.

6 On January 11, 2006, I served the foregoing document(s) described as

7 **NOTICE OF MOTION AND MOTION FOR WRIT OF MANDATE**
8 **AND/OR PROHIBITION OR OTHER APPROPRIATE RELIEF**

8 on the interested parties in this action by placing

9 the original
10 a true and correct copy

10 thereof enclosed in sealed envelope(s) addressed as follows:

11 Wayne K. Snodgrass, Deputy City Attorney
12 Vince Chhabria, Deputy City Attorney
13 SAN FRANCISCO CITY ATTORNEY'S OFFICE
14 #1 Dr. Carlton B. Goodlett Place
15 City Hall, Room 234
16 San Francisco, CA 94102
17 Fax: (415) 554-4699

15 X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
16 processing correspondence for mailing. Under the practice it would be deposited with the
17 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
18 California, in the ordinary course of business. I am aware that on motion of the party served,
19 service is presumed invalid if postal cancellation date is more than one day after date of
20 deposit for mailing an affidavit.

20 Executed on January 11, 2006, at Long Beach, California.

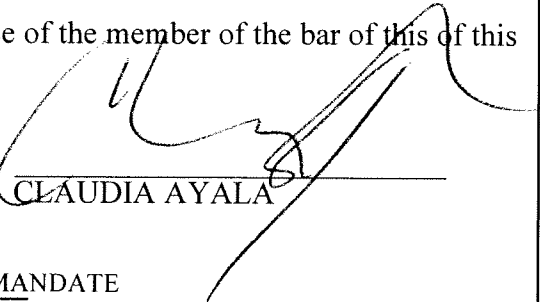
19 (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the
20 addressee.

21 (VIA FACSIMILE TRANSMISSION) As follows: The facsimile machine I used complies
22 with California Rules of Court, Rule 2003, and no error was reported by the machine.
23 Pursuant to Rules of Court, Rule 2006(d), I caused the machine to print a transmission record
24 of the transmission, copies of which is attached to this declaration.

23 Executed on January 11, 2006, at Long Beach, California.

24 X (STATE) I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

26 (FEDERAL) I declare that I am employed in the office of the member of the bar of this of this
27 court at whose direction the service was made.

28 

CLAUDIA AYALA