

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): <b>Donald Kilmer (Bar # 179986)</b> <b>Law Offices of Donald Kilmer, APC</b> <b>1645 Willow Street, Suite 150</b> <b>San Jose, CA 95125</b> TELEPHONE NO.: (408) 264-8489 FAX NO. (Optional): (408) 264-8487 E-MAIL ADDRESS (Optional): Don@DKLawOffice.com ATTORNEY FOR (Name): Calguns Foundation, Inc., and Gene Hoffman, Plaintiffs	FOR COURT USE ONLY  <div style="font-size: 1.5em; font-weight: bold; margin: 10px 0;">FILED</div> <div style="font-weight: bold; margin: 5px 0;">SAN MATEO COUNTY</div> <div style="margin: 10px 0;">APR 05 2012</div> <div style="margin: 5px 0;">Clerk of the Superior Court</div> <div style="margin: 5px 0;">By  DEPUTY CLERK</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO STREET ADDRESS: 400 County Center MAILING ADDRESS: 400 County Center CITY AND ZIP CODE: Redwood City 94603 BRANCH NAME: Civil Division	
PLAINTIFF/PETITIONER: Gene Hoffman, et al. DEFENDANT/RESPONDENT: County of San Mateo, et al.	CASE NUMBER:  <div style="font-size: 1.2em; font-weight: bold;">CIV 509185</div>
<div style="text-align: center; font-weight: bold;">PROOF OF SERVICE—CIVIL</div> Check method of service (only one): <input type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail <input checked="" type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service	JUDGE:  DEPT.:

(Do not use this proof of service to show service of a Summons and complaint.)

1. At the time of service I was over 18 years of age and not a party to this action.
2. My residence or business address is: 1645 Willow Street, Suite 150  
San Jose, CA 95125
3. ☐ The fax number or electronic service address from which I served the documents is (complete if service was by fax or electronic service):
4. On (date): April 4, 2012 I served the following documents (specify):  
 Plaintiffs' Opposition to Demurrer  
 Plaintiffs' Request for Judicial Notice re: Alameda Ordinance  
 Plaintiffs' Request for Judicial Notice re: CA Penal Code 26150 et seq.
- ☐ The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).
5. I served the documents on the person or persons below, as follows:
  - a. Name of person served: David A. Silberman Representing County of San Mateo
  - b. ☒ (Complete if service was by personal service, mail, overnight delivery, or messenger service.)  
 Business or residential address where person was served: 400 County Center, 6th Floor  
 Redwood City, CA 94063
  - c. ☐ (Complete if service was by fax or electronic service.)  
 (1) Fax number or electronic service address where person was served:  
  
 (2) Time of service:  
  
☐ The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).
6. The documents were served by the following means (specify):
  - a. ☐ By personal service. I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

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6. b. ☐ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):

- (1) ☐ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) ☐ placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):

- c. ☒ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. ☐ **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e. ☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. ☐ **By electronic service.** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in item 5.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 4, 2012

Christina Kilmer

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

#### DECLARATION OF MESSENGER

- ☐ **By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)