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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION  
2500 TULARE STREET | FRESNO, CA 93721

JEFF SILVESTER, BRANDON  
COMBS, THE CALGUNS  
FOUNDATION, INC., a non-profit  
organization, and THE SECOND  
AMENDMENT FOUNDATION,  
INC., a non-profit organization,

Plaintiffs,

vs.

KAMALA HARRIS, Attorney General  
of California, and DOES 1 to 20,

Defendants.

Case No.: 1:11-CV-2137 AWI SKO

PLAINTIFFS' CONTINGENT  
REQUEST FOR LODGING REBUTTAL  
EVIDENCE

Judge: Hon. Anthony W. Ishii  
Courtroom: 8<sup>th</sup> Floor, Room 2  
Trial Date: March 25/26/27, 2014  
Case Filed: Dec. 23, 2011

Argument: July 21, 2014 | 1:30 p.m.

Given the unsettled state of the parties' evidentiary objections, Plaintiffs want to take this time to clarify their position on Plaintiffs' Exhibits 01, 02 and 03 in the event that the Court overrules Plaintiffs' objections to Defendants' various offers of proof. Plaintiffs maintain their objections on all theories already briefed, but want the opportunity to admit their rebuttal evidence if they are overruled.

1        Exhibit 01 – is a book. The Founder’s Second Amendment – Origins of the  
2 Right to Keep and Bear Arms, by Stephen Halbrook. If the Court overrules  
3 Plaintiffs’ objections and this book is needed to rebut Defendants arguments (See  
4 Doc 69, for arguments made at pages 15:10 - 16:9), then Plaintiffs would request to  
5 lodge a full copy of this book with the Court and provide a copy to the Defendants.

6        Exhibit 02 – is a book. The Pennsylvania - Kentucky Rifle, by Henry J.  
7 Kaufman. The relevant excerpts (if Plaintiffs objections are overruled) from that  
8 book are already part of the record in this matter. See Doc 69-2.

9        Exhibit 03 – is a book. Early American Gunsmiths 1650-1850, by Henry J.  
10 Kaufman. The relevant excerpts (if Plaintiffs objections are overruled) from that  
11 book are already part of the record in this matter. See Doc 69-1.

12  
13 Respectfully Submitted on June 30, 2014 by:

14  
15 /s/ Victor Otten

16 Victor J. Otten (SBN 165800)

17 /s/ Donald Kilmer

18 Donald E. J. Kilmer, Jr. (SBN 179986)

19 Attorneys for Plaintiffs.  
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**DECLARATION OF E-SERVICE**

Case Name: Silvester v. Harris  
Court Name: U.S. District Court, Eastern District of California (Fresno)  
Case No.: 1:11-cv-02137-AWI-SKO

I, Donald Kilmer, declare:  
I am employed in the at 1645 Willow Street, Suite 150, San Jose, CA . I am  
18 years of age or older and not a party to this matter.

I understand that all parties to the above-entitled case are represented by at  
least one attorney who is registered for electronic filing and service in the  
above-entitled court.

On June 30, 2014, I electronically filed and, therefore, to the best of my  
understanding, caused to be electronically served through the Court’s ECF system:  
PLAINTIFFS’ CONTINGENT REQUEST FOR LODGING REBUTTAL  
EVIDENCE.

The foregoing is true and correct and that this declaration was executed on June 30,  
2014, at San Jose, California.

/s/ Donald Kilmer  
Attorney for Plaintiffs.