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11 Attorneys for CITY OF MORGAN HILL,
MORGAN HILL CHIEF OF POLICE DAVID
12 SWING, MORGAN HILL CITY CLERK IRMA
TORREZ

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SANTA CLARA, DOWNTOWN COURTHOUSE
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16 G. MITCHELL KIRK; and CALIFORNIA
17 RIFLE & PISTOL ASSOCIATION,
INCORPORATED,

18 Plaintiffs and Petitioners,

19 vs.
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21 CITY OF MORGAN HILL; MORGAN HILL
CHIEF OF POLICE DAVID SWING, in his
official capacity; MORGAN HILL CITY
22 CLERK IRMA TORREZ, in her official
capacity; and DOES 1-10,,
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24 Defendants and Respondents.
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Case No. 19CV346360

**NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT**

Filed Concurrently with MEMORANDUM OF
POINTS AND AUTHORITIES IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT; DECLARATION OF JAMES
ALLISON IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT AND EXHIBITS 1
TO 13; SEPARATE STATEMENT OF
UNDISPUTED FACTS; REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT

Judge: Hon. Peter Kirwan

Date: July 2, 2020

Time: 9:00 a.m.

Dept.: 19

Action Filed: April 15, 2019

1 TO EACH PARTY AND THEIR ATTORNEYS OF RECORD:

2 YOU ARE HEREBY NOTIFIED THAT on July 2, 2020, at 9:00 AM in Dept. 19 of the
3 above court, located at 191 N. First St., San Jose, California defendants CITY OF MORGAN
4 HILL, MORGAN HILL CHIEF OF POLICE DAVID SWING, MORGAN HILL CITY CLERK
5 IRMA TORREZ ("Defendants") will move for Summary Judgment on Plaintiffs' Complaint
6 ("Complaint").


7 Defendants' Motion For Summary Judgment is made on the grounds that there is no triable
8 issue of material fact, such that Defendants are entitled to judgment as a matter of law. This
9 Motion is based upon this Notice of Motion, the Memorandum of Points and Authorities, the
10 Separate Statement of Undisputed Facts, the Declaration of James Allison and Exhibits 1-14, the
11 Request for Judicial Notice, and upon such other oral and documentary evidence as the Court may
12 permit at the hearing of this Motion.

13 Defendants' Motion For Summary Judgment seeks judgment in Defendants' favor on the
14 Complaint on grounds that Plaintiffs cannot establish facts sufficient to support their claim that the
15 Ordinance is preempted by state law.

16 Dated: April 30, 2020

FARELLA BRAUN + MARTEL LLP

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18 By:


Roderick M. Thompson

19 Attorneys for CITY OF MORGAN HILL, MORGAN
20 HILL CHIEF OF POLICE DAVID SWING, MORGAN
21 HILL CITY CLERK IRMA TORREZ
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