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5 Attorneys for Plaintiffs

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8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE COURTHOUSE | 280 S. 1<sup>ST</sup> STREET, SAN JOSE, CA 95113

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12 LORI RODRIGUEZ, THE SECOND  
AMENDMENT FOUNDATION,  
13 INC., and THE CALGUNS  
FOUNDATION, INC.,

14  
15 Plaintiffs,

16 vs.

17 CITY OF SAN JOSE, CITY OF SAN  
18 JOSE POLICE DEPARTMENT,  
OFFICER STEVEN VALENTINE  
19 and DOES 1 TO 20,

20 Defendants.

Case No.: 5:15-CV-03698

**DECLARATION OF ATTORNEY  
DONALD KILMER IN SUPPORT OF  
CROSS-MOTION FOR SUMMARY  
JUDGMENT AND OPPOSING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

Date: November 10, 2016

Time: 9:00 a.m.

Courtroom: 4

Judge: Hon. Edward J. Davila

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23 **DECLARATION OF DONALD KILMER**

24 I, Donald Kilmer, declare as follows, based on my own personal knowledge:

- 25 1. I am the attorney for the plaintiffs in the above entitled action.  
26 2. Attached as Exhibit A are true and correct copies of pages cited in Plaintiffs'  
27 Separate Statement taken from Defendant Valentine's Deposition.

- 1 3. Attached as Exhibit B are true and correct copies of pages cited in Plaintiffs’  
2 Separate Statement taken from Plaintiff Lori Rodriguez’s Deposition.  
3 4. Attached as Exhibit C is a copy of Assembly Bill 500 which became law while  
4 the state case was pending.  
5 5. Attached as Exhibit D is a copy of Senate Bill 363, which became law while  
6 the state was pending.  
7 6. The remedies sought in this case are limited to declaratory and injunctive  
8 relief and payment of attorney fees and costs of Plaintiffs are deemed the  
9 prevailing party.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed on September 15, 2016

12 /s/ Donald Kilmer

13 Attorney for Plaintiffs  
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