

1 Donald E. J. Kilmer, Jr. [SBN: 179986]  
LAW OFFICES OF DONALD KILMER  
2 1645 Willow Street, Suite 150  
San Jose, California 95125  
3 Voice: (408) 264-8489  
Fax: (408) 264-8487  
4 E-Mail: [Don@DKLawOffice.com](mailto:Don@DKLawOffice.com)

5 Attorneys for Plaintiffs  
6  
7  
8

9 UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

10 ROBERT F. PECKHAM COURTHOUSE | 280 S. 1<sup>ST</sup> STREET, SAN JOSE, CA 95113  
11

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  
JOSE POLICE DEPARTMENT,  
18 OFFICER STEVEN VALENTINE  
and DOES 1 TO 20,  
19

20 Defendants.  
21

Case No.: 5:15-CV-03698

**NOTICE OF APPEAL TO THE  
UNITED STATES COURT OF  
APPEALS FOR THE NINTH  
CIRCUIT**

JUDGMENT ENTERED:

October 3, 2017 (Doc # 56)

Related Case: None

Priority Setting: Upon Motion by  
Party

Representation: Attached  
Statement

**NOTICE OF APPEAL**

22  
23 Plaintiffs: LORI RODRIGUEZ, SECOND AMENDMENT FOUNDATION,  
24 INC., and the CALGUNS FOUNDATION, INC., appeal to the United States Court  
25 of Appeal for the Ninth Circuit from the final JUDGMENT (Doc # 56) of the United  
26 States District Court for the Northern District of California – San Jose Division,  
27 entered in this case on October 3, 2017, and all interlocutory orders that gave rise  
28

1 to the Judgment, including but not limited to the ORDER GRANTING  
2 DEFENDANTS' MOTION TO FOR SUMMARY JUDGMENT AND DENYING  
3 PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT (Doc #55).

4 **RELATED CASES**

5 Plaintiff/Appellants are not aware of any related cases pending in this Circuit  
6 Court of Appeals or in any District Court in California.

7 **PRIORITY SETTING**

8 This case may be entitled to priority setting under 28 U.S.C. § 1657 and/or  
9 Circuit Rule 34-3, upon motion by any party.

10 Dated: October 20, 2017

11 /s/ Donald Kilmer

12 Donald Kilmer,  
13 Attorney for Plaintiff/Appellants

14  
15 **CERTIFICATE OF SERVICE**

16  
17 On this, October 20, 2017, I served the foregoing NOTICE OF APPEAL by  
18 electronically filing it with the Court's ECF/CM system, which generated a Notice of  
19 Filing and effects service upon counsel for all parties in the case.

20 I declare under penalty of perjury that the foregoing is true and correct.  
21 Executed on October 20, 2017.

22  
23 /s/ Donald Kilmer

24 Attorney of Record for Plaintiff/Appellants

**REPRESENTATION STATEMENT**

Undersigned counsel represents Plaintiffs LORI RODRIGUEZ, THE SECOND AMENDMENT FOUNDATION, INC., and THE CALGUNS FOUNDATION, INC. Service upon these parties for this appeal is:

Donald Kilmer, Attorney at Law  
Law Offices of Donald Kilmer, APC  
1645 Willow Street, Suite 150  
San Jose, California 95125

Phone: (408) 264-8489 Fax: (408) 264-8487

Email: [don@dklawoffice.com](mailto:don@dklawoffice.com)

Dated: October 20, 2017

/s/ Donald Kilmer

Donald Kilmer  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

On this, October 20, 2017, I served the foregoing REPRESENTATION STATEMENT by electronically filing it with the Court's ECF/CM system, which generated a Notice of Filing and effects service upon counsel for all parties in the case.

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

Executed on October 20, 2017.

/s/ Donald Kilmer  
Attorney of Record for Plaintiff/Appellants