

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 203714 NAME: Anthony P. Schoenberg FIRM NAME: Farella Braun + Martel, LLP STREET ADDRESS: 235 Montgomery Street, 17 <sup>th</sup> Floor CITY: San Francisco STATE: CA ZIP CODE: 94104 TELEPHONE NO.: 415-954-4400 FAX NO.: 415-954-4480 E-MAIL ADDRESS: tschoenberg@fbm.com CITY OF MORGAN HILL, MORGAN HILL CHIEF OF POLICE ATTORNEY FOR (name): DAVID SWING, MORGAN HILL CITY CLERK IRMA TORREZ		FOR COURT USE ONLY          
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 161 N. First Street MAILING ADDRESS: CITY AND ZIP CODE: San Jose, CA 95113 BRANCH NAME:		
PLAINTIFF/PETITIONER: G. MITCHELL KIRK; and CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED CITY OF MORGAN HILL; MORGAN HILL CHIEF OF POLICE DAVID SWING, in his official capacity; DEFENDANT/RESPONDENT: MORGAN HILL CITY CLERK IRMA TORREZ OTHER:		CASE NUMBER: 19CV346360
		JUDICIAL OFFICER:
PROPOSED ORDER (COVER SHEET)		DEPT:

**NOTE:** This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

- Name of the party submitting the proposed order:  
CITY OF MORGAN HILL; MORGAN HILL CHIEF OF POLICE DAVID SWING, in his official capacity; MORGAN HILL CITY CLERK IRMA TORREZ
- Title of the proposed order:  
[Proposed] Judgment
- The proceeding to which the proposed order relates is:  
Motion for Summary Judgment
  - Description of proceeding: Summary Judgment Hearing
  - Date and time: July 30, 2020, 9:00 a.m.
  - Place: Department 6, Santa Clara Superior Court
- The proposed order was served on the other parties in the case.  
Yes

Anthony P. Schoenberg

(TYPE OR PRINT NAME)

►  (SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME: Kirk v. City of Morgan Hill	CASE NUMBER: 19CV346360
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**PROOF OF ELECTRONIC SERVICE  
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):  
235 Montgomery Street, 17<sup>th</sup> Floor, San Francisco, CA 94104

b. My electronic service address is (*specify*):  
pwoodfin@fbm.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):  
C.D. Michel, Esq.  
Anna M. Barvir, Esq.  
Tiffany D. Cheuvront, Esq.  
MICHEL & ASSOCIATES, P.C.  
180 Est Ocean Blvd., Suite 200  
Long Beach, CA 90802  
Tel: (562) 216-4444  
Fax: (562) 216-4445

b. To (*electronic service address of person served*):  
cmichel@michellawyers.com  
tcheuvront@michellawyers.com  
abarvir@michellawyers.com

c. On (*date*):  
August 25, 2020

☐ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

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

Date:  
August 25, 2020

Pam Woodfin

(TYPE OR PRINT NAME OF DECLARANT)

▶ Pam Woodfin

(SIGNATURE OF DECLARANT)



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7 Giffords Law Center to Prevent Gun Violence  
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Telephone: (415) 433-2062  
9 Facsimile: (415) 433-3357

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

12  
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF SANTA CLARA, DOWNTOWN COURTHOUSE

15 G. MITCHELL KIRK; and CALIFORNIA  
16 RIFLE & PISTOL ASSOCIATION,  
INCORPORATED,

17 Plaintiffs and Petitioners,

18 vs.

19 CITY OF MORGAN HILL; MORGAN HILL  
20 CHIEF OF POLICE DAVID SWING, in his  
official capacity; MORGAN HILL CITY  
21 CLERK IRMA TORREZ, in her official  
capacity; and DOES 1-10,,  
22

23 Defendants and Respondents.

Case No. 19CV346360

**PROPOSED JUDGMENT**

Action Filed: April 15, 2019

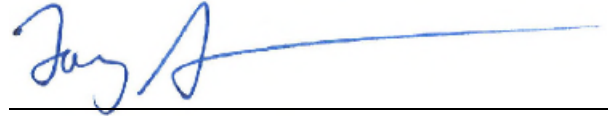
24 The Court hereby enters judgment in favor of Defendants, CITY OF MORGAN HILL;  
25 MORGAN HILL CHIEF OF POLICE DAVID SWING, in his official capacity; MORGAN HILL  
26 CITY CLERK IRMA TORREZ, in her official capacity sued herein as CITY OF MORGAN  
27 HILL; MORGAN HILL CHIEF OF POLICE DAVID SWING, in his official capacity; MORGAN  
28 HILL CITY CLERK IRMA TORREZ, in her official capacity, and against Plaintiff G.

1 MITCHELL KIRK; and CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED,  
2 pursuant to the attached Order granting Defendants' Motion for Summary Judgment, signed by the  
3 Court on July 30, 2020.

4 Dated: August 24, 2020

FARELLA BRAUN + MARTEL LLP

5  
6 By:



Anthony Schoenberg

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8 Attorneys for CITY OF MORGAN HILL, MORGAN  
9 HILL CHIEF OF POLICE DAVID SWING, MORGAN  
10 HILL CITY CLERK IRMA TORREZ  
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15 Giffords Law Center to Prevent Gun Violence  
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18 Telephone: (415) 433-2062  
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20 Attorneys for CITY OF MORGAN HILL,  
21 MORGAN HILL CHIEF OF POLICE DAVID  
22 SWING, MORGAN HILL CITY CLERK IRMA  
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G. MITCHELL KIRK; and CALIFORNIA  
RIFLE & PISTOL ASSOCIATION,  
INCORPORATED,

Plaintiffs and Petitioners,

vs.

CITY OF MORGAN HILL; MORGAN HILL  
CHIEF OF POLICE DAVID SWING, in his  
official capacity; MORGAN HILL CITY  
CLERK IRMA TORREZ, in her official  
capacity; and DOES 1-10,

Defendants and Respondents.

Case No. 19CV346360

**PROOF OF SERVICE**

Action Filed: April 15, 2019

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**STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

On August 25, 2020, I served true copies of the following document(s) described as

**NOTICE OF APPEARANCE;**


on the interested parties in this action as follows:

**BY ELECTRONIC SERVICE:** I served the document(s) on the person listed in the Service List by submitting an electronic version of the document(s) to One Legal, LLC, through the user interface at [www.onelegal.com](http://www.onelegal.com).

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address pwoodfin@fbm.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on August 25, 2020, at San Francisco, California.

  
Pamela Woodfin