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9 *Attorneys for Defendants*

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 12 **UNITED STATES DISTRICT COURT**  
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN JOSE DIVISION**  
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16 **NATIONAL ASSOCIATION FOR GUN**  
**RIGHTS, INC.**, a non-profit corporation, and  
 17 **MARK SIKES**, an individual,

18 Plaintiffs,

19 v.

20  
 21 **CITY OF SAN JOSE**, a public entity,  
**JENNIFER MAGUIRE**, in her official  
 22 capacity as City Manager of the City of San  
 Jose, and the **CITY OF SAN JOSE**  
 23 **COUNCIL**,

24 Defendants.

Case No. 5:22-cv-00501-BLF

**DECLARATION OF TAMARAH P.  
 PREVOST IN SUPPORT OF  
 DEFENDANTS' REQUEST FOR  
 JUDICIAL NOTICE IN SUPPORT OF  
 MOTION TO DISMISS**

Date: June 2, 2022

Time: 9:00 A.M.

Courtroom: 3 – 5th Floor

Judge: Hon. Beth Labson Freeman

Complaint Filed: January 25, 2022

1 I, Tamarah P. Prevost, hereby declare as follows:

2 1. I am an attorney duly admitted to practice before all courts of the State of California  
3 and before the U.S. District Court for the Northern District of California and am a partner with the  
4 law firm of Cotchett, Pitre & McCarthy, LLP, counsel for Defendants City of San Jose, Jennifer  
5 Maguire, and City of San Jose City Council (collectively, “Defendants”) in this matter.

6 2. I make this Declaration in support of Defendants’ Request for Judicial Notice in  
7 Support of Defendants’ Motion to Dismiss for Lack of Subject Matter Jurisdiction.

8 3. I have personal knowledge of each of the facts stated herein, and if called as a witness,  
9 I could and would testify competently to all facts herein.

10 4. Dudley W. Brown is President of entity Plaintiff National Association for Gun Rights  
11 (“NAGR”).

12 5. NAGR hosts a YouTube channel that posts videos of Brown discussing various topics  
13 for which NAGR advocates. On January 30, 2022, NAGR posted to its YouTube channel a video  
14 entitled “FIGHTING A WHOLE NEW BREED of GUN CONTROL – Dudley’s Range Rogues,”  
15 in which Brown discusses the instant suit. The video is available online at  
16 <https://youtu.be/YZJlctURfeg>. NAGR’s website and social media accounts (*i.e.*, Twitter, Facebook)  
17 direct visitors to this video.

18 6. I last accessed the video on February 2, 2022. The video is publicly and freely  
19 accessible. The following is a true and correct transcript of Brown’s comments between 1:30 – 2:02  
20 of the video: “We had our complaint ready to go knowing what they would pass. Once it was  
21 confirmed they passed we literally filed that evening very late at night or early in the morning, I  
22 guess. So once we heard that San Jose was going to schedule this and we knew we’d be filing a  
23 lawsuit, we knew we needed to probably do a news conference talking about it and to have an actual  
24 response. We were going to get inundated from reporters if we just filed the lawsuit and didn’t make  
25 any comment.”

26 7. On February 4, 2022, at 12:03 p.m., I caused to be generated a Docket Activity Report  
27 (“DAR”) of all documents filed to date on the case docket by using CM/ECF. A true and correct  
28 copy of the DAR is attached hereto as Exhibit 7.

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I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of February 2022 at Burlingame, California.

/s/ Tamarah P. Prevost  
TAMARAH P. PREVOST