

1 HARMEET K. DHILLON (SBN: 207873)  
 harmeet@dhillonlaw.com  
 2 MICHAEL A. COLUMBO (SBN: 271283)  
 mcolumbo@dhillonlaw.com  
 3 MARK P. MEUSER (SBN: 231335)  
 mmeuser@dhillonlaw.com  
 4 DHILLON LAW GROUP INC.  
 5 177 Post Street, Suite 700  
 San Francisco, California 94108  
 6 Telephone: (415) 433-1700

7 DAVID A. WARRINGTON\*  
 dwarrington@dhillonlaw.com  
 8 CURTIS M. SCHUBE  
 cschube@dhillonlaw.com  
 9 DHILLON LAW GROUP INC.  
 10 2121 Eisenhower Avenue, Suite 402  
 11 Alexandria, VA 22314  
 12 Telephone: (571) 400-2121

13 \*Admission *Pro Hac Vice* forthcoming

14 **UNITED STATES DISTRICT COURT**  
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 16 **SAN JOSE DIVISION**

17 **NATIONAL ASSOCIATION FOR GUN**  
 18 **RIGHTS, INC.**, a non-profit corporation, and  
 19 **MARK SIKES**, an individual,

20 Plaintiffs,

21 v.

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

26 Defendants.

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

DECLARATION OF MICHAEL  
 COLUMBO IN SUPPORT OF PLAINTIFF'S  
 UNOPPOSED MOTION TO SHORTEN  
 TIME



**Declaration of Michael Columbo**

I, Michael Columbo, declare as follows:

1. My name is Michael Columbo. I am an attorney for the plaintiffs National Association for Gun Rights, Inc. and Mr. Mark Sikes (collectively “Plaintiffs”) in the above-captioned case, *National Association for Gun Rights et al. v. City of Sane Jose et al.*, 5:22-cv-00501-BLF (N.D. Cal.). Except as to those matters stated on information and belief, I have personal knowledge of the matters set forth herein, and if called upon, I could and would competently and truthfully testify as follows.

2. Pursuant to Local Rule 6-3(a)(4)(ii), the nature of the underlying dispute and the position of each party is as follows: Plaintiffs seek a preliminary injunction against San Jose’s Ordinance § 10.32.200 *et seq.*, which mandates that each San Jose gun owner purchase gun liability insurance and pay a fee that will go towards “gun harm reduction.” Plaintiffs’ position, in brief, is that the Ordinance violates: (1) the Second Amendment to the U.S. Constitution by burdening ther right to own guns; (2) the First Amendment to the U.S. Constitution by compelling speech and association through a mandatory donation to a nonprofit organization; (3) Article XXIII of the California Constitution because it imposes taxes that were not approved by voters; and (4) the San Jose City Charter’s reservations of budget and appropriation powers and the requirement that City receipts be deposited into City accounts by forcing San Jose taxpayers to pay a City harm reduction fee to a private, third-party organization. *Id.* Defendants’ position is that the Ordinance is constitutional and does not violate the U.S. Constitution, California Constitution, or the San Jose City Charter. *Id.* Defendants’ position is that the Ordinance is constitutional and does not violate the U.S. Constitution, California Constitution, and the San Jose City Charter.

3. Pursuant to Local Rule 6-3(a)(4)(i) and (a)(2), my colleague Curtis Schube emailed counsel for Defendants on March 10, 2022 seeking a stipulation and to meet and confer, and copying me on the email. Counsel for Defendants responded on March 14, 2022. Defendants would not stipulate to the motion because they would not agree there is a likelihood of imminent irreparable harm to Plaintiffs absent immediate injunctive relief. However, Defendants stated they have an interest in

1 early resolution of Plaintiffs' case and, therefore, would not oppose Plaintiffs' Motion to Shorten Time.

2 4. Plaintiffs request a shortening of the time for the hearing on their Motion because there  
3 is a considerable risk that the Ordinance will come into effect before the court reaches a ruling on the  
4 Motion. As mentioned above, there are less than three weeks between the July 21, 2022 Motion hearing  
5 and the August 8, 2022 effective date of the Ordinance. Accordingly, even if the court rules in  
6 Plaintiffs' favor, they will be prejudiced by the risk that the Ordinance will come into effect before the  
7 court's ruling. Gun owners, including Plaintiff Mark Sikes and other members of Plaintiff National  
8 Association for Gun Rights, would then be forced to either expend funds to purchase gun liability  
9 insurance and pay fees that violate their rights pursuant to an unlawful ordinance, or break the law and  
10 risk confiscation of their guns.

11 5. Pursuant to Local Rule 6-3(a)(5) and (a)(6), there has been no previous time  
12 modifications and the time will have no effect on the briefing schedule. The only difference will be  
13 that the July 21, 2022 hearing will be moved earlier to be heard sooner after the reply is due on March,  
14 29, 2022.

15 I declare under penalty of perjury under the laws of the United States that the foregoing is  
16 true and correct.

17 Date: March 25, 2022

18 /s/ Michael Columbo  
19 Michael Columbo  
20 *Attorney for Plaintiffs*