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15 *Attorneys for Defendants*

16 **UNITED STATES DISTRICT COURT**
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN JOSE DIVISION**

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

22 Plaintiffs,

23 v.

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

Defendants.

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

DECLARATION OF TAMARAH
PREVOST IN SUPPORT OF
DEFENDANTS' MOTION TO
MOTION TO DISMISS PLAINTIFFS'
FIRST AMENDED COMPLAINT

Date: August 4, 2022
 Time: 9:00 a.m.
 Courtroom: Via Zoom Webinar
 Judge: Hon. Beth Labson Freeman

Complaint filed: January 25, 2022
 FAC filed: February 14, 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 in her official capacity, and City of San Jose City Council (collectively, “Defendants”) in
6 this matter. I make this Declaration in support of Defendants’ Motion to Dismiss Plaintiffs’ First
7 Amended Complaint. I have personal knowledge of each of the facts stated herein, and if called as
8 a witness, I could and would testify competently to all facts herein.

9 2. Attached hereto as **Exhibit 1** is a true and correct copy of a Memorandum from the
10 San Jose Mayor, Vice Mayor, and City Councilmembers Carrasco, Cohen, and Peralez to the San
11 Jose City Council, dated June 16, 2021.

12 3. Attached hereto as **Exhibit 2** is a true and correct copy of a Memorandum from the
13 San Jose City Attorney Nora Frimann to the San Jose City Council, dated January 14, 2022.

14 4. Attached hereto as **Exhibit 3** is a true and correct copy of a Memorandum from the
15 San Jose Mayor to the San Jose City Council, dated January 19, 2022.

16 5. Attached hereto as **Exhibit 4** is a true and correct copy of a Memorandum from the
17 San Jose Mayor, Vice Mayor, and City Councilmembers Jones, Cohen, and Carrasco to the San Jose
18 City Council, dated January 21, 2022.

19 6. Attached hereto as **Exhibit 5** is a true and correct copy of a Memorandum from City
20 Councilmember Davis to the San Jose City Council, dated January 21, 2022.

21 7. Attached hereto as **Exhibit 6** is a true and correct copy of a Memorandum from City
22 Councilmember Peralez to the San Jose City Council, dated January 21, 2022.

23 8. Attached hereto as **Exhibit 7** is a true and correct copy of the “Supplemental
24 Memorandum” from San Jose City Attorney Nora Frimann to the San Jose City Council, dated
25 January 21, 2022, which contains hyperlinks to fourteen documents. For the Court’s convenience,
26 the documents listed in the Supplemental Memorandum are attached to Exhibit 7 as a compendium.
27 The Supplemental Memorandum states: “The attached list provides the citations for the various
28 research and data sources used in the recitals of the proposed ordinance that is being considered at

1 the City Council's January 25, 2022 meeting. It may be useful in Council's deliberations on the
2 matter.”

3 9. Attached hereto as **Exhibit 8** is a true and correct copy of the “Replacement/
4 Supplemental Memorandum” from the San Jose Mayor to the San Jose City Council, dated January
5 24, 2022.

6 10. Attached hereto as **Exhibit 9** is a true and correct copy of the San Jose City Council
7 Agenda, dated January 25, 2022.

8 11. Attached hereto as **Exhibit 10** is a true and correct copy of a report prepared by the
9 Pacific Institute for Research and Evaluation, entitled “Incidence and Cost of Firearm Injuries in San
10 Jose, CA,” dated January 19, 2022.

11 12. Attached hereto as **Exhibit 11** is a true and correct copy of an article published in the
12 *New England Journal of Medicine* article, “Handgun Ownership and Suicide in California,” dated
13 June 4, 2020.

14 13. Attached hereto as **Exhibit 12** is a true and correct copy of an article by the
15 Educational Fund to Stop Gun Violence article, “Unintentional Shootings.”

16 14. Attached hereto as **Exhibit 13** is a true and correct copy of the article published in
17 the *Hartford Courant*, “Sandy Hook Families Settle Lawsuits Against Lanza Estate for \$1.5M,”
18 dated August 6, 2015.

19 15. Attached hereto as **Exhibit 14** is a true and correct copy of an article by Gilman &
20 Bedigian LLC, “Man Who Shot Intruder in His Home Sued for Wrongful Death,” dated December
21 15, 2020.

22 I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th
23 day of April 2022 at Burlingame, California.

24 /s/ Tamarah P. Prevost
25 TAMARAH P. PREVOST