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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 capacity  
 26 as City Manager of the City of San Jose, and the  
 27 **CITY OF SAN JOSE CITY COUNCIL**,

28 Defendants.

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

**ADMINISTRATIVE MOTION TO**  
**CONSIDER WHETHER CASES**  
**SHOULD BE RELATED UNDER CIVIL**  
**LOCAL RULES 3-12 AND 7-11**

1 Pursuant to Civil Local Rules 3-12(b) and 7-11, Defendant City of San Jose (“City”) files this  
2 Administrative Motion to Consider Whether Cases Should Be Related. The City submits that the action  
3 entitled *Howard Jarvis Taxpayers Association, et al. v. City of San Jose*, Case No. 5:22-cv-02365-NC  
4 (“*HJTA*”) (Notice of Removal filed April 15, 2022) is related to the instant action, *National Association*  
5 *for Gun Rights, Inc., et al. v. City of San Jose, et al.* (“*NAGR*”), Case No. 5:22-cv-00501-BLF  
6 (Complaint filed January 25, 2022). *See* Decl. of Tamarah P. Prevost (“Prevost Decl.”), Ex. 1 (copy of  
7 the operative First Amended Complaint in the *NAGR* action); *id.*, Ex. 2 (copy of the Notice of Removal  
8 in the *HJTA* action, which includes a copy of the underlying complaint).

9 Civil Local Rule 3-12(a) provides that an action is related to another when: “(1) The allegations  
10 concern substantially the same parties, property, transaction or event; and (2) It appears likely that there  
11 will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are  
12 conducted before different Judges.” These criteria are met here. The two actions involve substantially  
13 the same parties (i.e., the City is the lead defendant in both actions), as well as the same transaction or  
14 events. Specifically, the plaintiffs in both the above-referenced actions similarly bring a pre-  
15 enforcement challenge to the same firearm-related San Jose ordinance, San Jose Municipal Code  
16 Section 10.32.200 *et seq.* (“Ordinance”), under the First, Second, and Fourteenth Amendments to the  
17 U.S. Constitution, Article XIII C § 1 of the California Constitution, and other state laws.

18 Given that both actions concern substantially the same parties, the same Ordinance, and  
19 substantially the same legal arguments and claims, there will be an unduly burdensome duplication of  
20 labor and expense, judicial resources, and potentially inconsistent results, if the two actions were to be  
21 conducted before different Judges. Accordingly, relating the *HJTA* and *NAGR* actions will serve the  
22 interests of judicial economy and avoid the potential for conflicting results, consistent with Civil Local  
23 Rules 3-12(a). Plaintiffs in the *NAGR* action do not dispute, and have agreed to stipulate, that these  
24 cases are related. Counsel for *HJTA* “decline [Defendants’] invitation to stipulate” that the two cases  
25 should be related. Prevost Decl. ¶ 4.

26 For these reasons, San Jose respectfully requests that this Court enter an order relating *Howard*  
27 *Jarvis Taxpayers Association, et al. v. City of San Jose*, Case No. 5:22-cv-02365-NC, with *National*  
28 *Association for Gun Rights, Inc., et al. v. City of San Jose, et al.*, Case No. 5:22-cv-00501-BLF.

1  
2 Dated: April 19, 2022

Respectfully submitted,

3 **COTCHETT, PITRE & McCARTHY, LLP**

4  
5 By: /s/ Tamarah P. Prevost

6 Joseph W. Cotchett

7 Tamarah P. Prevost

8 Andrew F. Kirtley

9 Melissa Montenegro

10 *Attorneys for Defendant City of San Jose*

**CERTIFICATE OF SERVICE**

I am employed in San Mateo County, California, and I am over the age of 18 years and not a party to this action. My business address is the Law Offices of Cotchett, Pitre & McCarthy, LLP, 840 Malcolm Road, Burlingame, California, 94010. On this day, I served the following document(s) in the manner described below:

**ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASE SHOULD BE RELATED PURSUANT TO CIVIL LOCAL RULES 3-12 AND 7-11**

✓ **BY MAIL:** I am readily familiar with this firm’s practice for collection and processing of correspondence for mailing. Following that practice, I placed a true copy of the aforementioned document(s) in a sealed envelope, addressed to each addressee, respectively, as specified below. The envelope was placed in the mail at my business address, with postage thereon fully prepaid, for deposit with the United States Postal Service on that same day in the ordinary course of business.

✓ **BY E-MAIL:** My e-mail address is kdelia@cpmlegal.com and service of this document(s) occurred on the date shown below. This document is being served electronically and the transmission was reported as complete and without error.

<p>Harmeet K. Dhillon  Michael A. Columbo  Mark P.Meuser  <b>Dhillon Law Group Inc.</b>  177 Post Street, Suite 700  San Francisco, CA 94108  Telephone: (415) 433-1700  harmeet@dhillonlaw.com  mcolumbo@dhillonlaw.com  mmeuser@dhillonlaw.com</p> <p>David A. Warrington  Curtis M. Schube  <b>Dhillon Law Group Inc.</b>  2121 Eisenhower Avenue, Suite 402  Alexandria, VA 22314  Telephone: (571) 400-2121  dwarrington@dhillonlaw.com  cschube@dhillonlaw.com</p>	<p>Attorneys for Plaintiffs: National Association for Gun Rights, Inc., and Mark Sikes  (NAGR Action, Case No. 5:22-cv-00501-BLF)</p>
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<p>Jonathan M. Coupal Timothy A. Bittle Laura E. Dougherty <b>Howard Jarvis Taxpayers Foundation</b> 921 Eleventh Street, Suite 1201 Sacramento, CA 95814 Telephone: (916) 444-9950 Email: tim@hjta.org</p>	<p>Attorneys for Plaintiffs: Howard Jarvis Taxpayers Association; Silicon Valley Taxpayers Association; Silicon Valley Public Accountability Foundation; James Barry; and George Arrington (<i>HJTA</i> Action, Case No. 5:22-cv-02365-NC)</p>
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I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Burlingame, California, on April 19, 2022.

*/s/ Kathleen D'Elia*  
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Kathleen D'Elia