

1 Joseph W. Cotchett (SBN 36324)  
 2 jcotchett@cpmlegal.com  
 3 Tamarah P. Prevost (SBN 313422)  
 4 tprevost@cpmlegal.com  
 5 Andrew F. Kirtley (SBN 328023)  
 6 akirtley@cpmlegal.com  
 7 Melissa Montenegro (SBN 329099)  
 8 mmontenegro@cpmlegal.com  
 9 **COTCHETT, PITRE & McCARTHY, LLP**  
 10 San Francisco Airport Office Center  
 11 840 Malcolm Road, Suite 200  
 12 Burlingame, CA 94010  
 13 Telephone: (650) 697-6000  
 14 Facsimile: (650) 697-0577

15 *Attorneys for Defendant City of San Jose*

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

19 **Howard Jarvis Taxpayers Association;**  
 20 Silicon Valley Taxpayers Association; Silicon  
 21 Valley Public Accountability Foundation; James  
 22 Barry; and George Arrington,

23 Plaintiffs,

24 v.

25 **City of San Jose**, and all persons interested in the  
 26 matter of San Jose Ordinance No. 30716,  
 27 establishing an Annual Gun Harm Reduction Fee,

28 Defendants.

Case No. 5:22-cv-02365-BLF

**DECLARATION OF TAMARAH P.  
 PREVOST IN SUPPORT OF  
 DEFENDANT CITY OF SAN JOSE'S  
 MOTION TO DISMISS PLAINTIFFS'  
 COMPLAINT**

Date: TBD  
 Time: 9:00 a.m.  
 Courtroom: Via Zoom Webinar  
 Judge: Hon. Beth Labson Freeman

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

2 1. I am an attorney duly licensed to practice law in the State of California and admitted  
3 to practice in this Court. I am a partner with the law firm of Cotchett, Pitre & McCarthy, LLP  
4 (“CPM”) and counsel for Defendant City of San Jose (“City” of “San Jose”) in this action, as well  
5 as the earlier-filed related action *National Association for Gun Rights, Inc., et al. v. City of San Jose,*  
6 *et al.*, Case No. 5:22-cv-00501-BLF (“NAGR”). The matters described herein are based on my  
7 personal knowledge, and if called as a witness, I could and would testify competently thereto.

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

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

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

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

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

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

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

