1	Joseph W. Cotchett (SBN 36324)											
2	jcotchett@cpmlegal.com Tamarah P. Prevost (SBN 313422)											
3	tprevost@cpmlegal.com											
4	Andrew F. Kirtley (SBN 328023) akirtley@cpmlegal.com											
5	Melissa Montenegro (SBN 329099)											
	mmontenegro@cpmlegal.com COTCHETT, PITRE & McCARTHY, LLP											
6	San Francisco Airport Office Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010 Telephone: (650) 697-6000 Facsimile: (650) 697-0577											
7												
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10	Attorneys for Defendant City of San Jose											
11												
12	UNITED STATES DISTRICT COURT											
13	NORTHERN DISTRICT OF CALIFORNIA											
14	SAN JOSE DIVISION											
15												
16	Howard Jarvis Taxpayers Association;	Case No. 5:2	2-cv-02365-BLF									
17	Silicon Valley Taxpayers Association; Silicon Valley Public Accountability Foundation; James	DECLARA	ΓΙΟΝ OF TAMARAH P.									
	Barry; and George Arrington,	PREVOST IN SUPPORT OF DEFENDANT CITY OF SAN JOSE'S MOTION TO DISMISS PLAINTIFFS'										
18	Plaintiffs,											
19	,	COMPLAIN	NT									
20	V.	Date:	TBD									
21	City of San Jose, and all persons interested in the matter of San Jose Ordinance No. 30716,	Time: Courtroom:	9:00 a.m. Via Zoom Webinar									
22	establishing an Annual Gun Harm Reduction Fee,	Judge:	Hon. Beth Labson Freeman									
23	Defendants.											
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I, Tamarah P. Prevost, declare as follows:

- I am an attorney duly licensed to practice law in the State of California and admitted to practice in this Court. I am a partner with the law firm of Cotchett, Pitre & McCarthy, LLP ("CPM") and counsel for Defendant City of San Jose ("City" of "San Jose") in this action, as well as the earlier-filed related action National Association for Gun Rights, Inc., et al. v. City of San Jose, et al., Case No. 5:22-cv-00501-BLF ("NAGR"). The matters described herein are based on my personal knowledge, and if called as a witness, I could and would testify competently thereto.
- 2. Attached hereto as **Exhibit 1** is a true and correct copy of a Memorandum from the San Jose Mayor, Vice Mayor, and City Councilmembers Carrasco, Cohen, and Peralez to the San Jose City Council, dated June 16, 2021.
- 3. Attached hereto as **Exhibit 2** is a true and correct copy of a Memorandum from the San Jose City Attorney Nora Frimann to the San Jose City Council, dated January 14, 2022.
- 4. Attached hereto as **Exhibit 3** is a true and correct copy of a Memorandum from the San Jose Mayor to the San Jose City Council, dated January 19, 2022.
- 5. Attached hereto as **Exhibit 4** is a true and correct copy of a Memorandum from the San Jose Mayor, Vice Mayor, and City Councilmembers Jones, Cohen, and Carrasco to the San Jose City Council, dated January 21, 2022.
- 6. Attached hereto as **Exhibit 5** is a true and correct copy of a Memorandum from City Councilmember Davis to the San Jose City Council, dated January 21, 2022.
- 7. Attached hereto as **Exhibit 6** is a true and correct copy of a Memorandum from City Councilmember Peralez to the San Jose City Council, dated January 21, 2022.
- 8. Attached hereto as **Exhibit 7** is a true and correct copy of the "Supplemental Memorandum" from San Jose City Attorney Nora Frimann to the San Jose City Council, dated January 21, 2022, which contains hyperlinks to fourteen documents. For the Court's convenience, those fourteen documents are attached to Exhibit 7 as a compendium. The Supplemental Memorandum states: "The attached list provides the citations for the various research and data sources used in the recitals of the proposed ordinance that is being considered at the City Council's January 25, 2022 meeting. It may be useful in Council's deliberations on the matter."

9.	Attached 1	hereto as	<u>Exhibi</u>	<u>t 8</u> is	a true	e and	correct	copy	of the	"Replace	ment
Supplemental	Memorand	um" fron	n the San	Jose N	Mayor	to the	San Jose	e City	Council	, dated Ja	nuar
24, 2022.											

- 10. Attached hereto as **Exhibit 9** is a true and correct copy of the San Jose City Council Agenda, dated January 25, 2022.
- 11. Attached hereto as **Exhibit 10** is a true and correct copy of a report prepared by the Pacific Institute for Research and Evaluation, titled "Incidence and Cost of Firearm Injuries in San Jose, CA," dated January 19, 2022.
- 12. Attached hereto as **Exhibit 11** is a true and correct copy of an article published in *The New England Journal of Medicine*, titled "Handgun Ownership and Suicide in California," dated June 4, 2020.
- 13. Attached hereto as **Exhibit 12** is a true and correct copy of an article by the Educational Fund to Stop Gun Violence, titled "Unintentional Shootings."
- 14. Attached hereto as **Exhibit 13** is a true and correct copy of the City of San Jose Ordinance at issue in this action, as enacted on February 8, 2022.
- 15. On April 21, 2022, Melissa Montenegro, an attorney from Defendant's counsel's office, emailed Judge Freeman's Courtroom Deputy Clerk, Tiffany Salinas-Harwell, requesting a hearing date for Defendant City of San Jose's Motion to Dismiss Plaintiffs' Complaint. As of the time of filing the instant Motion, Defendant's counsel did not receive a response. Since the ECF filing system requires selection of a date, Defendant's counsel self-selected the hearing date of August 4, 2022, which is the hearing date for Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint in the recently related case captioned *National Association for Gun Rights, Inc., et al. v. City of San Jose, et al.*, Case No. 5:22-cv-00501-BLF.

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and correct. Executed this 22nd day of April 2022 at Burlingame, California.

/s/ Tamarah P. Prevost
TAMARAH P. PREVOST

LAW OFFICES
COTCHETT, PITRE &
MCCARTHY, LLP