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13 *Attorneys for Defendants the City of San Jose, et al.*

14 **UNITED STATES DISTRICT COURT**  
15 **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 capacity  
24 as City Manager of the City of San Jose, and the  
25 **CITY OF SAN JOSE CITY COUNCIL**,

26 Defendants.

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

27 **DECLARATION OF TAMARAH P.**  
28 **PREVOST IN SUPPORT OF**  
**DEFENDANTS' OPPOSITION TO THE**  
**HJTA PLAINTIFFS' MOTION TO**  
**EXTEND TIME TO FILE AMENDED**  
**COMPLAINT**

Date: N/A  
Time: N/A  
Judge: Hon. Beth Labson Freeman  
Dept.: San Jose Courthouse, Courtroom 3  
(5th Floor)

29 **HOWARD JARVIS TAXPAYERS**  
30 **ASSOCIATION**, Silicon Valley Taxpayers  
31 Association, Silicon Valley Public Accountability  
32 Foundation, James Barry, and George Arrington,

33 Plaintiffs,

34 v.

35 **CITY OF SAN JOSE**, and all persons interested  
36 in the matter of San Jose Ordinance No. 30716,  
37 establishing an Annual Gun Harm Reduction Fee,

38 Defendants.

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

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  
3 admitted to practice in this Court. I am a partner with the law firm of Cotchett, Pitre & McCarthy,  
4 LLP, and counsel for Defendants City of San Jose, Jennifer Maguire (in her official capacity as the  
5 San Jose City Manager), and the San Jose City Council (collectively, the “City”) in this  
6 consolidated action.

7 2. The matters described herein are based on my personal knowledge, and if called as  
8 a witness, I could and would testify competently thereto.

9 3. Before Thursday, January 26, 2023, I received no communication from any of the  
10 consolidated plaintiffs regarding the Court-ordered deadline of February 2, 2023.

11 4. On January 26, 2023, at 11:22 am, counsel for the Howard Jarvis Taxpayers  
12 Association, Silicon Valley Taxpayers Association, Silicon Valley Public Accountability  
13 Foundation, James Barry, and George Arrington (collectively, “HJTA”) sent me an email, which  
14 reads in its entirety:

15 Good morning Tamarah, Would you please stipulate to an extension of time  
16 for the Howard Jarvis Taxpayers Assn. plaintiffs to file an amended  
17 complaint? As you know, the Court set February 2, 2023, as our deadline  
18 based on the City’s representation to the Court that it would have a nonprofit  
19 designated, and the fee amount set, by the end of December. Since that did  
20 not happen, the City itself would argue that any amended complaint filed now  
21 is premature and based on speculation about the City’s intentions. I would  
22 like an extension until 30 days after the City files a Status Report indicating  
23 that a nonprofit has been designated and a firm fee amount set. Or, if you have  
24 a better proposal, I would be happy to consider it. If I don’t hear from you by  
25 the end of the day, I will file a motion and tell the Court that the City denied  
26 our request for a stipulation. Thank you.

23 5. On January 26, 2023, at 11:24 am, I replied to Mr. Bittle via an email, which reads  
24 in its entirety: “Tim, It isn’t reasonable to expect a response to this within one day. I am in a  
25 deposition today. We will respond tomorrow. Thanks.”

26 6. On January 26, 2023, at 11:35 am, Mr. Bittle replied to me via an email, which  
27 reads in its entirety: “OK, but please call me early. I plan to file our motion tomorrow.”  
28

1 7. On January 27, 2023, at 11:37 am, I replied to Mr. Bittle via email, which reads in  
2 its entirety: “Mr. Bittle – so I can properly evaluate your request, are you making it on behalf of  
3 just HJTA, or also the NAGR plaintiffs?”

4 8. On January 27, 2023, at 12:44 pm, Mr. Bittle replied to me via an email, which  
5 reads in its entirety: “HJTA only.” That was the last communication that I received from Mr. Bittle  
6 on that day.

7 9. On January 27, 2023, at 3:16 pm, I received an ECF notification from the Court  
8 informing me that HJTA, through its counsel, had filed an administrative motion seeking an  
9 extension of time to file an amended complaint (the “Motion”). *See* ECF No. 90.

10 10. At no point prior to the filing of the Motion did I receive any communication from  
11 counsel for HJTA or the other plaintiffs, National Association for Gun Rights, Inc., and Mark  
12 Sikes (collectively, “NAGR”), indicating that HJTA and NAGR were in communication with each  
13 other regarding the filing or an amended consolidated complaint or the related Court-ordered  
14 deadline of February 2, 2023.

15 11. Approximately two hours after HJTA filed its Motion, counsel for NAGR contacted  
16 me via email about a potential stipulation to extend the deadline for plaintiffs to file an amended  
17 consolidated complaint. Counsel for NAGR and I had a further telephone conversation about this  
18 matter on January 30, 2023. Counsel for NAGR promised to discuss our conversation with his  
19 clients and get back to me, but as of the time of this filing I have not heard back from him.  
20

21 I declare under penalty of perjury under the laws of California and the United States that the  
22 foregoing is true and correct. Executed this 31st day of January 2023 at Burlingame, California.  
23

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