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 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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13 **IVAN PEÑA, ROY VARGAS, DOÑA**  
 14 **CROSTON, BRETT THOMAS, SECOND**  
 15 **AMENDMENT FOUNDATION, INC. and**  
 16 **THE CALGUNS FOUNDATION, INC.,**

Plaintiffs,

17 v.

18 **STEPHEN LINDLEY,**

19 Defendant.  
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Case No. 2:09-CV-01185-KJM-CKD

**DEFENDANT’S NOTICE OF MOTION  
 AND MOTION FOR SUMMARY  
 JUDGMENT, OR IN THE  
 ALTERNATIVE SUMMARY  
 ADJUDICATION**

Date: November 22, 2013  
 Time: 10:00 a.m.  
 Dept.: Courtroom 3, 15th floor  
 Judge: The Honorable Kimberly J.  
 Mueller  
 Trial Date: None at this time  
 Action Filed: May 1, 2009

1 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on **November 22, 2013**, at **10:00 a.m.**, or as soon  
3 thereafter as the matter may be heard in the above-entitled court, located at the Robert T. Matsui  
4 United States Courthouse, 501 I Street, Courtroom 3, 15<sup>th</sup> Floor, Sacramento, California, before  
5 the Honorable Kimberly J. Mueller, defendant Stephen Lindley will move the court to enter  
6 summary judgment on the entire complaint, or in the alternative summary adjudication, in favor  
7 of defendant and against plaintiffs.

8 The motion will be made under Federal Rule of Civil Procedure 56 and on the grounds  
9 that California's Unsafe Handgun Act does not violate the Second Amendment or equal  
10 protection, and there is no triable issue as to any material fact.

11 The motion will be based upon this Notice of Motion and Motion and defendant's  
12 Statement of Undisputed Facts, Memorandum of Points and Authorities, and supporting  
13 declarations and exhibits, as well as the pleadings, records, and files herein, and upon such further  
14 evidence as may be presented in connection with the hearing of this motion.

15 Dated: October 25, 2013

Respectfully submitted,

16 KAMALA D. HARRIS  
17 Attorney General of California  
18 TAMAR PACHTER  
Supervising Deputy Attorney General

19 /s/ ANTHONY R. HAKL

20 ANTHONY R. HAKL  
21 Deputy Attorney General  
*Attorneys for Defendant Stephen Lindley*

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