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11 Attorneys for Plaintiffs

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13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA**

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16 TRACY RIFLE AND PISTOL LLC;
MICHAEL BARYLA; TEN PERCENT
17 FIREARMS; WESLEY MORRIS;
SACRAMENTO BLACK RIFLE, INC.;
18 ROBERT ADAMS; PRK ARMS, INC.;
JEFFREY MULLEN; IMBERT & SMITHERS,
19 INC.; and ALEX ROLSKY,

20 Plaintiffs,

21 v.

22 KAMALA D. HARRIS, in her official capacity
as Attorney General of California; and
23 STEPHEN J. LINDLEY, in his official capacity
as Chief of the California Department of Justice
24 Bureau of Firearms,

25 Defendants.

Case No.: 2:14-cv-02626-TLN-DB

**NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT**

Hearing Date: January 12, 2017

Time: 2:00 p.m.

Courtroom: 2

Judge: Troy L. Nunley

Action filed Nov. 10, 2014

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TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 12, 2017 at 2:00 p.m., or as soon thereafter as the matter may be heard, before the Honorable Troy L. Nunley, United States District Court, Eastern District of California, 501 I Street, Sacramento, CA 95814, Plaintiffs will and hereby do move the Court for an order granting summary judgment to Plaintiffs pursuant to Rule 56 of the Federal Rules of Civil Procedure.

This motion is made on the grounds that there is no genuine issue as to any material fact and that Plaintiffs are entitled to judgment as a matter of law because California Penal Code section 26820, which prohibits firearms dealers from displaying handgun advertisements that are visible from the outside of their place of business, violates the First Amendment.

This motion shall be based on this notice of motion and motion, the memorandum of points and authorities in support, the statement of undisputed facts that accompanies this motion, the declarations and evidence filed concurrently herewith, and upon any further matters the Court deems appropriate.

Dated: December 5, 2016

BENBROOK LAW GROUP, PC

By s/Stephen M. Duvernay
STEPHEN M. DUVERNAY
Attorneys for Plaintiffs