

1 Victor J. Otten (SBN 165800)
vic@ottenlawpc.com
2 OTTEN LAW, PC
3620 Pacific Coast Hwy, Suite 100
3 Torrance, California 90505
Phone: (310) 378-8533
4 Fax: (310) 347-4225

5 Donald E.J. Kilmer (SBN 179986)
LAW OFFICES OF DONALD KILMER
6 A Professional Corporation
1645 Willow Street, Suite 150
7 San Jose, California 95125
Phone: (408) 264-8489
8 Fax: (408) 264-8487

9 Attorneys for Plaintiffs

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

13 **JEFF SILVESTER, BRANDON**
14 **COMBS, THE CALGUNS**
15 **FOUNDATION, INC., a non-profit**
16 **organization, and THE SECOND**
AMENDMENT FOUNDATION,

17 **Plaintiffs,**

18 **v.**

19 **KAMALA HARRIS, Attorney**
20 **General of California (in her**
official capacity), and DOES 1 to
20.

21 **Defendants.**

Case No. 1:11-cv-02137-AWI-SKO

PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR ATTORNEYS'
FEES

Date: TBD
Time: TBD
Courtroom: TBD

22
23 To all parties and their attorneys of record:

24 **Please take notice that:** Plaintiffs Jeff Silvester et al, by and through their
25 counsel of record Otten Law, PC and the Law Offices of Donald Kilmer, will and
26 hereby do move this court for an order awarding attorneys' fees and costs incurred
27 in procuring judgment under 42 U.S.C §§ 1983, 1989 as well as the Second and
28 Fourteenth Amendments. The hearing will take place at a time to be determined in

1 the California Eastern District – Fresno Division courthouse, located at Robert E.
2 Coyle United States Courthouse 2500 Tulare Street, Fresno CA 93721.

3 The basis of this motion will be that Plaintiffs obtained declaratory and
4 injunctive relief under 42 U.S.C §§ 1983, 1989 in addition to the Second and
5 Fourteenth Amendments. Under 42 U.S.C § 1989(b) Plaintiffs are the prevailing
6 party as to a cause of action brought under 42 U.S.C § 1983 and are therefore
7 entitled to recover fees and costs incurred in obtaining relief.

8 On this basis Plaintiffs hereby request the court issue an order awarding fees
9 and costs in the amount of \$305526.21.

10 A memorandum in support of this motion and declaration of Victor J. Otten
11 are concurrently filed.

12 DATED: September 8, 2014

13 OTTEN LAW, PC

14
15
16 /s/ Victor J. Otten, Esq.
17 Victor Otten, Esq.
18 Attorneys for Plaintiffs
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28