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8 MAYOR GAVIN NEWSOM and POLICE CHIEF
HEATHER FONG
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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13

14 ESPANOLA JACKSON, PAUL COLVIN,
THOMAS BOYER, LARRY BARSETTI,
15 DAVID GOLDEN, NOEMI MARGARET
ROBINSON, NATIONAL RIFLE
16 ASSOCIATION OF AMERICA, INC. SAN
FRANCISCO VETERAN POLICE
17 OFFICERS ASSOCIATION,

18 Plaintiffs,

19 vs.

20 CITY AND COUNTY OF SAN
FRANCISCO, MAYOR GAVIN NEWSOM,
21 in his official capacity; POLICE CHIEF
HEATHER FONG, in her official capacity,
22 and Does 1-10,

23 Defendants.
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Case No. C09-2143 PJH

DECLARATION OF MARIA PROTTI IN
SUPPORT OF MOTION TO DISMISS
COMPLAINT FOR LACK OF SUBJECT
MATTER JURISDICTION,
Fed. R. Civ. P. 12(b)(1)

Hearing Date: September 23, 2009
Time: 9:00 a.m.
Place: Courtroom 5, 17th Floor

1 I, MARIA PROTTI, declare as follows:

2 1. I have personal knowledge of the facts stated below, except those facts stated on
3 information and belief, which I believe to be true.

4 2. I am employed by the City and County of San Francisco ("the City") in the Office of
5 the City Attorney. I have been a Deputy City Attorney in that Office since 1996, and have been
6 Director of that Office's Law Libraries since 2000. I hold a Masters Degree in Library and
7 Information Science, as well as a Juris Doctor degree and a Masters Degree in Public Administration.
8 I am a member of the California Bar.

9 3. In my current employment capacity, my daily duties include searching legal databases
10 such as Lexis and Westlaw and more general informational databases available on the internet. I have
11 been using both Lexis and Westlaw on a regular basis since 1979.

12 4. I have taught numerous classes in legal research at the University of Oklahoma College
13 of Law, including a course entitled "Computer Assisted Legal Research" and courses in advanced
14 legal research. I also have taught a seminar in Law Library Information Management at the University
15 of Oklahoma Graduate School of Library and Information Studies.

16 5. I understand that the plaintiffs in this lawsuit challenge Sections 613.10(g), 1290, and
17 4512 of the San Francisco Police Code.

18 6. Between July 6 and July 9, 2009, I ran computerized searches through a number of
19 Westlaw databases for court decisions or other documents evidencing or suggesting any person has
20 ever been prosecuted under any of these Police Code sections. Specifically, I ran searches in (1) a
21 database composed, *inter alia*, of reported and unreported decisions and orders issued by the
22 California state cases from 1850 to date, or by the United States Supreme Court, the Ninth Circuit
23 Court of Appeals, or the United States District Courts located in California; (2) a database composed
24 of opinions of the California Attorney General; and (3) a database composed of secondary California
25 legal sources. I ran each of the aforementioned Westlaw searches using as search terms the specific
26 code sections the plaintiffs in this suit challenge. (In the case of Police Code Section 613.10(g), I
27 searched for any and all subsections of 613.10, rather than only for 613.10(g), because subsection (g)
28 previously bore a different subsection designation under a prior version of 613.10.) In the

