

**From:** Don Kilmer [<mailto:don@dclawoffice.com>]  
**Sent:** Wednesday, July 22, 2009 3:07 PM  
**To:** 'Anthony Hakl'  
**Cc:** 'Alan Gura'; 'Gene Hoffman'; 'Alan Gottlieb'; [david@dclawoffice.com](mailto:david@dclawoffice.com)  
**Subject:** Sykes v. McGinness; USDC - Eastern District, Case No.: 2:09-CV-1235-MCE-KJM

Dear Mr. Hakl:

We are sending your office a copy of these pleadings pursuant to FRCP 5.1. If the clerk of the court complied with FRCP 5.1(b), you should have already have received notice of these pleadings.

Please accept this copy of two (2) pleadings (Amended Complaint and Notice of Unconstitutionality) filed in the above-entitle case. The pleadings make a claim of (the potential) unconstitutionality of a state statute. If you cannot accept this document on behalf of your office, please provide an electronic address for the attorney general so that we can provide notice pursuant to FRCP 5.1(a)(2).

Plaintiffs' position in *Sykes v. McGinness* is that Penal Code § 12050 need not be rendered unconstitutional on its face, if the application of the law by the issuing agencies conforms to the U.S. Constitution.

A hard copy of the enclosed documents will be sent via certified or registered mail to:

Office of the Attorney General 1300 "I" Street P.O. Box 944255 Sacramento, CA 94244-2550

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