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5 ATTORNEYS FOR DEFENDANTS, ANDREWS SPORTING GOODS, INC., DBA TURNER'S
OUTDOORSMAN, AND S.G. DISTRIBUTING, INC.
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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF LOS ANGELES

10 CENTRAL DIVISION

11 Judicial Council Coordination Proceeding
12 Special Title (Rule 1550(b))

13 FIREARM CASES

14 Coordinated actions:

15 THE PEOPLE OF THE STATE OF
16 CALIFORNIA, ex rel. the County of Los
Angeles, et. al.,

17 v.

18 ARCADIA MACHINE & TOOL, et. al.,
19 _____

20 THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through JAMES K.
21 HAHN, City Attorney of the City of Los
Angeles, et. al.,

22 v.

23 ARCADIA MACHINE & TOOL, et. al.,
24 _____

25 THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through San Francisco
26 City Attorney Louise H. Renne,

v.

27 ARCADIA MACHINE & TOOL, et. al.
28 _____

JUDICIAL COUNCIL
COORDINATION PROCEEDINGS NO.
4095

**DEFENDANTS ANDREWS
SPORTING GOODS, INC., DBA
TURNER'S OUTDOORSMAN, AND
S.G DISTRIBUTING, INC.'S,
OBJECTIONS TO DECLARATION
OF DAREN JASOUROWSKI**

Superior Court of California City &
County of San Francisco No. 303753

Superior Court of California County of
Los Angeles No. BC210894

Superior Court of California County of
Los Angeles No. BC214794

Date: March 7, 2003
Time: 8:30 a.m.
Court: Dept. 65 (Judge DiFiglia)

1 **OBJECTION NO. 1**

2 Defendants Andrews Sporting Goods, Inc., dba Turner’s Outdoorsman, and S.G. Distributing,
3 Inc., (hereinafter referred to as “Defendants”) object and move to strike Paragraph 11 of
4 PLAINTIFFS’ Declaration of Daren Jasourowski in Support of Plaintiffs’ Opposition to
5 Defendants Andrews Sporting Goods, Inc. dba Turner’s Outdoorsman and S.G. Distributing,
6 Inc.’s Motion for Summary Judgment or, in the Alternative, Summary Adjudication (hereinafter
7 referred to as “Declaration”), which reads as follows:

8 *“To the best of my knowledge, Turner’s never used their computer system to track the*
9 *number of trace requests it received.” (Emphasis added.)*

10 **Ground for Objection:**

11 Lack of Personal Knowledge: Code of Civil Procedure section 437c(d) provides that, for purposes
12 of summary judgment, supporting and opposing declarations “shall be made by any person on
13 personal knowledge.” “The phrase ‘to the best of my knowledge’ indicates something less than
14 the ‘personal knowledge’ required under Code of Civil Procedure section 437c, and implies that
15 the declarant’s statement is based on something similar to information and belief.” (*Bowden v.*
16 *Robinson* (1977) 67 Cal.App.3d 705, 719-720.)

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18 **Court’s Ruling on Objection:**

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20 **OBJECTION NO. 2**

21 Defendants object and move to strike Paragraph 12 of the Declaration, which reads as follows:

22 *“To the best of my knowledge, Turner’s never used their computer system to track how*
23 *many trace requests were received regarding firearms sold by any of the individual*
Turner’s stores.” (Emphasis added.)

24 **Ground for Objection:**

25 Lack of Personal Knowledge: Code of Civil Procedure section 437c(d) provides that, for purposes
26 of summary judgment, supporting and opposing declarations “shall be made by any person on
27 personal knowledge.” “The phrase ‘to the best of my knowledge’ indicates something less than
28 the ‘personal knowledge’ required under Code of Civil Procedure section 437c, and implies that

1 the declarant’s statement is based on something similar to information and belief.” (*Bowden v.*
2 *Robinson* (1977) 67 Cal.App.3d 705, 719-720.)

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4 **Court’s Ruling on Objection:**

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OBJECTION NO. 3

7 Defendants object and move to strike Paragraph 13 of the Declaration, which reads as follows:

8 “*To the best of my knowledge*, Turner’s never used their computer system to track how
9 many trace requests were received by Turner’s regarding firearms sold to any given
individual.” (Emphasis added.)

10 **Ground for Objection:**

11 Lack of Personal Knowledge: Code of Civil Procedure section 437c(d) provides that, for purposes
12 of summary judgment, supporting and opposing declarations “shall be made by any person on
13 personal knowledge.” “The phrase ‘to the best of my knowledge’ indicates something less than
14 the ‘personal knowledge’ required under Code of Civil Procedure section 437c, and implies that
15 the declarant’s statement is based on something similar to information and belief.” (*Bowden v.*
16 *Robinson* (1977) 67 Cal.App.3d 705, 719-720.)

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18 **Court’s Ruling on Objection:**

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OBJECTION NO. 4

21 Defendants object and move to strike Paragraph 14 of the Declaration, which reads as follows:

22 “*To the best of my knowledge*, Turner’s never used their computer system to deny a sale to
23 anyone who had previously bought a firearm which had been the subject of a trace
request.” (Emphasis added.)

24 **Ground for Objection:**

25 Lack of Personal Knowledge: Code of Civil Procedure section 437c(d) provides that, for purposes
26 of summary judgment, supporting and opposing declarations “shall be made by any person on
27 personal knowledge.” “The phrase ‘to the best of my knowledge’ indicates something less than
28 the ‘personal knowledge’ required under Code of Civil Procedure section 437c, and implies that

1 the declarant’s statement is based on something similar to information and belief.” (*Bowden v.*
2 *Robinson* (1977) 67 Cal.App.3d 705, 719-720.)

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4 **Court’s Ruling on Objection:**

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6 **OBJECTION NO. 5**

7 Defendants object and move to strike Paragraph 17 of the Declaration, which reads as follows:

8 “Turner’s created an inventory category for missing guns with its own ‘store number,’
9 which *I believe* was ‘Store #98.’” (Emphasis added.)

10 **Ground for Objection:**

11 Lack of Personal Knowledge: Code of Civil Procedure section 437c(d) provides that, for purposes
12 of summary judgment, supporting and opposing declarations “shall be made by any person on
13 personal knowledge.” This is a declaration based on belief, and “[d]eclarations based on
14 information and belief are insufficient to satisfy the burden of either the moving or opposing party
15 on a motion for summary judgment or adjudication.” (*Lopez v. University Partners* (1997) 54
16 Cal.App.4th 1117, 1124.)

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18 **Court’s Ruling on Objection:**

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20 **OBJECTION NO. 6**

21 Defendants object and move to strike Paragraph 20 of the Declaration, which reads as follows:

22 “Turner’s also created an inventory category for firearms which it had determined that the
23 firearms were definitely lost or stolen. *I believe* this category was called ‘Store #97.’”
(Emphasis added.)

24 **Ground for Objection:**

25 Lack of Personal Knowledge: Code of Civil Procedure section 437c(d) provides that, for purposes
26 of summary judgment, supporting and opposing declarations “shall be made by any person on
27 personal knowledge.” This is a declaration based on belief, and “[d]eclarations based on
28 information and belief are insufficient to satisfy the burden of either the moving or opposing party

1 on a motion for summary judgment or adjudication.” (*Lopez v. University Partners* (1997) 54
2 Cal.App.4th 1117, 1124.)

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4 **Court’s Ruling on Objection:**

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OBJECTION NO. 7

7 Defendants object and move to strike Paragraph 22 of the Declaration, which reads as follows:

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“Although some of the stolen, missing, or lost guns were reported to law enforcement
officials, others were either not reported or went unreported for extended periods of time.
9 *To the best of my knowledge*, Andrews had no standardized procedure for determining
when to report stolen, missing, or lost guns to law enforcement.” (Emphasis added.)

10

11 **Ground for Objection:**

12 Lack of Personal Knowledge: Code of Civil Procedure section 437c(d) provides that, for purposes
13 of summary judgment, supporting and opposing declarations “shall be made by any person on
14 personal knowledge.” “The phrase ‘to the best of my knowledge’ indicates something less than
15 the ‘personal knowledge’ required under Code of Civil Procedure section 437c, and implies that
16 the declarant’s statement is based on something similar to information and belief.” (*Bowden v.*
17 *Robinson* (1977) 67 Cal.App.3d 705, 719-720.)

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19 **Court’s Ruling on Objection:**

20 Dated: February 24, 2003

TRUTANICH • MICHEL, LLP:

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C. D. Michel

C. D. Michel

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Attorney for Andrews Sporting
Goods, Inc., dba Turner’s
24 Outdoorsman, and S.G.
25 Distributing, Inc.

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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Haydee Villegas, declare:

1. That I am employed in the City of San Pedro, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 407 North Harbor Boulevard, San Pedro, California 90731.

2. On February 24, 2003, I served the foregoing document(s) described as **DEFENDANTS ANDREWS SPORTING GOODS, INC., DBA TURNER’S OUTDOORSMAN, AND S.G DISTRIBUTING, INC.’S, OBJECTIONS TO DECLARATION OF DAREN JASOUROWSKI** on the interested parties in this action by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty that the foregoing is true and correct. Executed this 24th day of February, 2003, at San Pedro, California.

Haydee Villegas
Haydee Villegas