

1 C. D. Michel - S.B.N. 144258
 Clinton B. Monfort - S.B.N. 255609
 2 Sean A. Brady - S.B.N. 262007
 Anna M. Barvir - S.B.N. 268728
 3 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Boulevard, Suite 200
 4 Long Beach, CA 90802
 Telephone: (562) 216-4444
 5 Facsimile: (562) 216-4445
 Email: cmichel@michellawyers.com
 6

7 Attorneys for Plaintiffs

8 **IN THE UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11 SAN FRANCISCO VETERAN POLICE)
 OFFICERS ASSOCIATION, LARRY)
 12 BARSETTI, RAINERIO GRANADOS,)
 ARTHUR RITCHIE, and RANDALL LOW,)

CASE NO: 13-CV-13-5351
DECLARATION OF ARTHUR RITCHIE
IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION

13 Plaintiffs,

14 v.

15 THE CITY AND COUNTY OF SAN)
 16 FRANCISCO, THE MAYOR OF SAN)
 FRANCISCO, EDWIN LEE in his official)
 17 capacity, THE CHIEF OF THE SAN)
 FRANCISCO POLICE DEPARTMENT,)
 18 GREG SUHR, in his official capacity, and)
 DOES 1-10,)

19 Defendants.

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

DECLARATION OF ARTHUR RITCHIE

1. I, Arthur Ritchie, am a plaintiff in the above-entitled action. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. I am a current resident of the City and County of San Francisco. I have lived in the City and County of San Francisco since 1974.

3. I am a law-abiding adult who is not prohibited from owning firearms under the laws of the United States or the state of California. I have never been found by any law enforcement agency, any court, or any other government agency to be irresponsible, unsafe, or negligent with firearms in any manner.

4. I have been using firearms for lawful purposes all my life, and I am well trained in firearms safety and marksmanship. Notably, I served in the United States Navy for 22 years, during which time I voluntarily served two tours of duty in Vietnam. I was honorably discharged in 1977. During my many years of service, I regularly handled various types of firearms and logged countless hours of training in their safe and proper use.

5. Prior to December 8, 2013, I acquired magazines capable of holding more than ten rounds in accordance with state and federal law. These magazines have not been permanently altered so that they cannot accommodate more than 10 rounds, they are not .22 caliber tube ammunition feeding devices, and they are not tubular magazines that are contained in a lever-action firearm. I currently own and possess these magazines for in-home self-defense and other lawful purposes.

6. Prior to December 8, 2013, I lawfully acquired a Ruger P89 Decocker, a handgun that came equipped with two magazines capable of holding fourteen rounds.

7. I acquired such firearm for use in my home for self-defense.

8. I selected this particular firearm in part because I believe that a handgun with a magazine capable of holding more than ten rounds best suits my needs for in-home self-defense.

9. I am concerned that if multiple intruders attack me while at home, I will require the use of more than ten rounds to effectively protect myself and others in my home.

1 10. I fear that a home intruder will be carrying a firearm with a magazine capable of
2 holding more than ten rounds, or will be carrying multiple firearms, and that I will require a
3 firearm with a magazine capable of holding more than ten rounds to effectively protect myself and
4 others from such a threat in my home.

5 11. I believe that being forced to change my magazine after expending ten rounds during
6 any critical time that requires me to act in self-defense will impact my ability to effectively defend
7 myself and others in my home. Should I require more than ten rounds to neutralize the threat of a
8 home intruder or group of intruders, I fear that I will be unable to re-load my handgun in time to
9 effectively defend myself and others in my home.

10 12. I fear that my firearm will malfunction when I need it most for self-defense if I use a
11 magazine that was not originally designed for use with my handgun.

12 13. Due to the Defendants' enactment of San Francisco Police Code (SFPC) section 619,
13 I am prohibited from continuing to possess, within the City and County of San Francisco, any
14 magazine capable of holding more than ten rounds that has not been permanently altered so that it
15 cannot accommodate more than 10 rounds, is not a .22 caliber tube ammunition feeding device,
16 and is not a tubular magazine that is contained in a lever-action firearm.

17 14. Pursuant to SFPC section 619, I intend to cease possessing any magazine prohibited
18 by SFPC section 619 within the City and County of San Francisco on or before March 8, 2014.

19 15. But for SFPC section 619, I would immediately and continuously possess a
20 magazine capable of holding more than ten rounds within the City and County of San Francisco
21 for lawful purposes, including in-home self-defense. If this court declares SFPC section 619
22 invalid or otherwise enjoins its enforcement, I will not cease possessing any magazine prohibited
23 by SFPC section 619 within the City and County of San Francisco.

24 16. Because SFPC section 619 requires that I cease possessing within the City and
25 County of San Francisco any magazine prohibited by SFPC section 619, I will be continuously
26 and irreparably harmed by the ongoing deprivation of my individual, fundamental right to possess

27 ///

28 ///

1 and use commonly possessed firearm magazines in my home for lawful purposes, including self-
2 defense, without risking criminal prosecution.

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

I declare under penalty of perjury that the foregoing is true and correct. Executed within
the United States on December 3, 2013.


Arthur Ritchie