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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 VIRGINIA DUNCAN, RICHARD
LEWIS, PATRICK LOVETTE, DAVID
11 MARGUGLIO, CHRISTOPHER
WADDELL, CALIFORNIA RIFLE &
12 PISTOL ASSOCIATION,
INCORPORATED, a California
13 corporation,

14 Plaintiffs,

15 v.

16 XAVIER BECERRA, in his official
capacity as Attorney General of the State
17 of California; and DOES 1-10,

18 Defendants.

Case No: 17-cv-1017-BEN-JLB

**DECLARATION OF DAVID
MARGUGLIO IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION**

Date: June 13, 2017
Time: 10:00 a.m.
Dept: 5A
Judge: Hon. Roger T. Benitez

DECLARATION OF DAVID MARGUGLIO

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

5 2. I am a current resident of San Diego County, California.

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

10 4. I do not currently own a magazine capable of holding more than 10 rounds.

11 5. I am concerned that if multiple intruders attack me while at home, I will require
12 the use of more than 10 rounds to effectively protect myself and others in my home.

13 6. I fear that a home intruder will be carrying a firearm with a magazine capable of
14 holding more than 10 rounds or will be carrying multiple firearms, and I will require a
15 firearm with a magazine capable of holding more than 10 rounds to effectively protect
16 myself and others from such a threat in my home.

17 7. I believe that being forced to change my magazine after expending 10 rounds
18 during any critical time that requires me to act in self-defense will impact my ability to
19 effectively defend myself and others in my home. Should I require more than 10 rounds
20 to neutralize the threat of a home intruder or group of intruders, I fear that I will be
21 unable to re-load my firearm in time to effectively defend myself and others in my home.

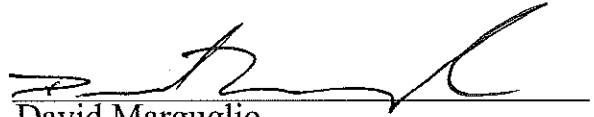
22 8. Due to the Defendants' enforcement of California Penal Code section 32310, I
23 am prohibited from acquiring or possessing, within the state of California, any magazine
24 capable of holding more than 10 rounds that has not been permanently altered so that it
25 cannot accommodate more than 10 rounds, is not a .22 caliber tube ammunition feeding
26 device, and is not a tubular magazine that is contained in a lever-action firearm.

27 9. But for California Penal Code section 32310, I would immediately acquire and
28 continuously possess a magazine capable of holding more than 10 rounds within the state

1 of California for in-home self-defense. If this court declares California Penal Code
2 section 32310 invalid or otherwise enjoins its enforcement, I will immediately acquire
3 and continue to possess a magazine capable of holding more than 10 rounds within the
4 state of California.

5 10. Because California Penal Code section 32310 prohibits me from acquiring or
6 possessing a magazine capable of holding more than 10 rounds, I am irreparably harmed
7 by the ongoing deprivation of my right to possess and use commonly possessed firearm
8 magazines for in-home self-defense, without risking criminal prosecution.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed
10 within the United States on May 22nd, 2017.

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13 David Marguglio
14 Declarant
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

VIRGINIA DUNCAN, RICHARD
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WADDELL, CALIFORNIA RIFLE &
PISTOL ASSOCIATION,
INCORPORATED, a California
corporation,

Plaintiffs,

v.

XAVIER BECERRA, in his official
capacity as Attorney General of the State
of California; and DOES 1-10,

Defendant.

Case No: 17-cv-1017-BEN-JLB

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 E. Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

I have cause service of the following documents, described as:

DECLARATION OF DAVID MARGUGLIO IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

on all parties by placing a copy in a separate envelope, with postage fully prepaid, for each address named below and depositing each in the U.S. Mail at Long Beach, CA, on May 26, 2017.

Ms. Alexandra Robert Gordon
Mr. Anthony P. O'Brien
California Department of Justice
1300 I Street, Suite 125
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 26, 2017, at Long Beach, CA.



Laura Palmerin