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19 TODD NIELSEN, THE CALGUNS FOUNDATION,
20 FIREARMS POLICY COALITION,
21 FIREARMS POLICY FOUNDATION,
22 and SECOND AMENDMENT FOUNDATION

23 UNITED STATES DISTRICT COURT

24 FOR THE EASTERN DISTRICT OF CALIFORNIA

25 WILLIAM WIESE, et al.,
26
27 Plaintiffs,
28
29 vs.

30 XAVIER BECERRA, in his official capacity as
31 Attorney General of California, et al.,
32
33 Defendants.

Case No. 2:17-cv-00903-WBS-KJN

**DECLARATION OF WILLIAM M. WIESE JR.
IN SUPPORT OF PLAINTIFFS'
MOTION/APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND ISSUANCE OF
PRELIMINARY INJUNCTION**

[FRCP 65; EASTERN DIST. L.R. 231]

Date: TBD
Time: TBD
Courtroom 5
Judge: Hon. William B. Shubb

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DECLARATION OF WILLIAM M. WIESE JR.

I, William M. Wiese Jr., declare as follows:

1. I am an adult resident of the County of Santa Clara, California, and I am a named plaintiff in this matter. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a temporary restraining order, and issuance of a preliminary injunction, made pursuant to FRCP 65, whereby we are seeking an injunction prohibiting the temporary/permanent enforcement of the prohibition on the *possession* of large-capacity magazines, set forth in Pen. Code § 32310, subdv. (c), as enacted in 2016.

3. I am a lifelong resident of California, a law-abiding individual, and I am not prohibited from owning firearms. Since before 2000, I have legally owned large-capacity magazines, as that term is defined by statute, and which are currently inherent operating parts of legally-possessed firearms. I have brought this action on my own behalf, and in a representative capacity on behalf of the class of law-abiding California citizens who have lawfully possessed large-capacity magazines (as that term is defined by statute), since before 2000. Each of these "pre-ban" magazines which I own are inherent operating parts of firearms. Each such firearm containing these "pre-ban" large capacity magazines is lawfully owned by me, as is my right, as guaranteed by the U.S. Constitution.

4. I do not wish to remove or sell these pre-ban large-capacity magazines in my possession, as they are literally irreplaceable, given the prohibition on the further purchase, acquisition or manufacture of such items under California law. I am unwilling to destroy or surrender these pre-ban large capacity magazines in my possession.

5. Many of these pre-ban large capacity magazines in my possession have substantial value, as irreplaceable items. Moreover, it would likely cost me at least a thousand dollars to replace the magazines with functional equivalents, using magazines holding ten or fewer rounds. In some instances, I would not be able to do so using original factory

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1 manufacturer parts, i.e., parts manufactured by the firearm manufacturer itself, but would have to
2 rely upon substitutes. In my view, this deprives me of the beneficial use of the firearm as it was
3 intended to be used, and undermines its utility.

4 6. In some cases, the large-capacity magazines would be the only magazines I own
5 for those respective weapons.

6 7. I wish to pass these firearms, as originally acquired, and in their current form,
7 onto my heirs. In this regard, I am also bringing this action as the trustor of a legally-established
8 trust called the Magazine Ban Lawsuit Trust, est. 2017, in advance of the July 1, 2017
9 enforcement date. Pursuant to the creation of this trust, I have placed into the trust two large-
10 capacity magazines, both of which also happen to be part of Registered Assault Weapons
11 (RAWs) that are lawfully to be registered to me and with one also operating in one of my
12 conventional “non-RAW” rifles. However, while these magazines are placed in the trust, I do
13 not have access to them, nor can they service the firearms of which they are inherent operating
14 parts.

15 8. Because of these facts and circumstances, as of July 1, unless the enforcement of
16 Pen. Code § 32310(c) is enjoined, I will suffer a permanent physical deprivation of personal
17 property, which happen to be inherent, operating parts of firearms, the ownership of which is
18 protected by the Constitution. I will therefore and for the reasons stated here suffer irreparable
19 injury unless the law is enjoined.

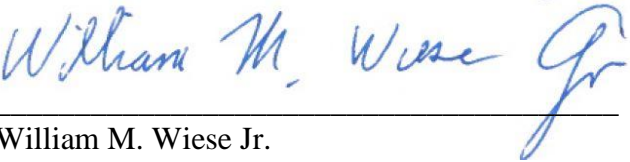
20 9. As of July 1, 2017, if Penal Code § 32310(c) remains in effect and is enforced, I
21 will comply with the law, but in so doing, I will be deprived of all beneficial use of the property.
22 For these reasons stated in this declaration, I am respectfully asking the court to enjoin the
23 enforcement of the ban on the prohibition of these “pre-ban” large-capacity magazines set forth
24 in Pen. Code § 32310(c) as amended.

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1 I declare under penalty of perjury that the foregoing is true and correct. Executed on
June 9 2017.

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5 _____
6 William M. Wiese Jr.

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