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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT

12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 WILLIAM WIESE, et al.,
14
15 Plaintiffs,
16
17 vs.

18 ROB BONTA, in his official capacity as
19 Attorney General of California, et al.,
20
21 Defendants.

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

**DECLARATION OF L.Q. DANG IN SUPPORT
OF PLAINTIFFS' MOTION AND MOTION FOR
SUMMARY JUDGMENT**

[FRCP 56]

Date: None Set
Judge: Hon. William B. Shubb

22 DECLARATION OF LUONG Q. DANG

23 I, Luong Q. Dang, declare as follows:

24 1. I am an adult resident of the County of Alameda, California, and I am a named
25 plaintiff in this matter. I have personal knowledge of the facts stated in this declaration, and if
26 called as a witness, could competently testify thereto.
27

28 2. This declaration is executed in support of plaintiffs' motion for summary

1 judgment.

2 3. After emigrating from Vietnam after the conflict there, I have lived in California.
3 I am a law-abiding individual, and I am not prohibited from owning firearms.

4 4. Since I emigrated to the United States, I have been a long-standing collector of
5 firearms, some of which are rare and unique. In conjunction with such collection, I acquired,
6 before 2000, two large capacity magazines as that term is defined by the statute. These large-
7 capacity magazines were originally manufactured for, and made a part of a Steyr GB pistol,
8 chambered in 9mm, which I subsequently purchased and acquired legally.

9 5. As far as I am aware, the magazines that I have for the Steyr GB pistol were the
10 only magazines made for that pistol. On information and belief, I am not aware of the existence
11 of any subsequently-manufactured ten-round magazines compatible with this particular pistol.
12 Without these magazines, I have no way of operating this pistol. I therefore believe that the law
13 that would require me to relinquish these magazines presents a substantial burden on my rights
14 as a gun and property owner.

15 6. I have therefore brought this action on my own behalf, and in a representative
16 capacity on behalf of the class of law-abiding California citizens who have lawfully possessed
17 large-capacity magazines (as that term is defined by statute), since before 2000. Each of these
18 “pre-ban” magazines which I own are inherent operating parts of firearms. Each such firearm
19 containing these “pre-ban” large capacity magazines is lawfully owned by me, as is my right, as
20 guaranteed by the U.S. Constitution.

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

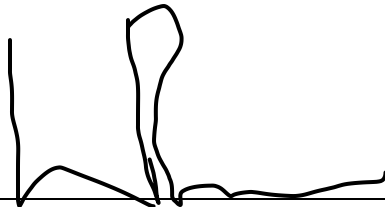
25 8. Therefore, I believe that these large-capacity magazines in my possession have
26 substantial value, as irreplaceable items. Moreover, it would likely cost me substantial amounts
27 to replace the magazines with functional equivalents, using magazines holding ten or fewer
28

1 rounds, if any are or even would be available at all. In my view, this deprives me of the
2 beneficial use of the firearm as it was intended to be used, and undermines its utility.

3 9. I believe, as the owner of a firearm for which no magazines holding 10 or fewer
4 rounds is available, that I am subject to the exemption set forth in Pen. Code § 32406, subdiv. (f),
5 as enacted pursuant to SB 1446, because I have lawfully possessed these large-capacity
6 magazines solely for use with the Steyr GB. However, I am informed and believe that there are
7 two separate versions of Pen. Code § 32406, both of which are chaptered and are currently on the
8 books. I am unable to tell which version controls.

9 10. Because of these facts and circumstances, as of July 1, unless the enforcement of
10 Pen. Code § 32310(c) is enjoined, I will suffer a permanent physical deprivation of personal
11 property, which happen to be inherent, operating parts of firearms, the ownership of which is
12 protected by the Constitution.

13 I declare under penalty of perjury that the foregoing is true and correct. Executed on
14 February 28 2023.

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18 Luong Q. Dang

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