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FILED

SEP 07 2010

FRESNO COUNTY SUPERIOR COURT
By _____
TLC - DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO
10

11 SHERIFF CLAY PARKER, TEHAMA
COUNTY SHERIFF; HERB BAUER
12 SPORTING GOODS; CALIFORNIA RIFLE
AND PISTOL ASSOCIATION
13 FOUNDATION; ABLE'S SPORTING,
INC.; RTG SPORTING COLLECTIBLES,
14 LLC; AND STEVEN STONECIPHER,

15 Plaintiffs and Petitioners,

16 vs.
17

18 THE STATE OF CALIFORNIA; JERRY
BROWN, IN HIS OFFICIAL CAPACITY
19 AS ATTORNEY GENERAL FOR THE
STATE OF CALIFORNIA; THE
20 CALIFORNIA DEPARTMENT OF
JUSTICE; and DOES 1-25,

21 Defendants and Respondents.
22

) CASE NO. 10CECG02116

) **DECLARATION OF STEVEN
STONECIPHER, IN SUPPORT OF MOTION
FOR PRELIMINARY INJUNCTION**

) Date: September 29, 2010

) Time: 3:30 p.m.

) Location: Dept. 97E

) Judge: Hon. Jeff Hamilton

) Date Action Filed: June 17, 2010

) Trial Date:

FILED BY FAX

DECLARATION OF STEVEN STONECIPHER

I, Steven Stonecipher, declare as follows:

1. I am a resident of Fresno County and a United States Citizen over 21 years of age. I am not prohibited under federal or California law from purchasing or possessing firearms or ammunition.

2. I have in the past, and continue to presently, transfer and receive ammunition that can be used interchangeably between handguns and rifles via mail within California.

3. I do not know what my obligations are under California Penal Code sections 12060, 12061, and 12318 because I do not know which ammunition calibers are "principally for use in a" handgun. I also do not know which calibers of ammunition are exempt from these laws as ammunition "designed and intended to be used in 'antique firearms'" manufactured before 1898, because many ammunition calibers used in firearms manufactured before 1898 are also used in firearms manufactured after 1898.

4. I am unaware of any generally accepted definition of "handgun ammunition" nor any commonly understood delineation between "handgun ammunition" and other ammunition used in the firearms industry that equates to the "principally for use in a" handgun language upon which California Penal Code sections 12060, 12061, and 12318 rely. Accordingly, I do not know which types of ammunition are "handgun ammunition" under these penal code sections.

5. I do not know whether the "principally for use in a" handgun standard means that a particular type of ammunition will be considered "handgun ammunition" under California Penal Code sections 12060, 12061, and 12318 if that caliber is used more often in a handgun than in a rifle.

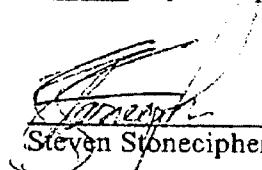
6. I do not know, and I am unable to determine, which types of ammunition are used more often in a handgun than in a long-gun.

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1 5. Because I do not know what my obligations are under Penal Code
2 sections 12060, 12061, and 12318, I fear that I may be prosecuted for unknowingly
3 violating them. For example, I fear that I am subject to prosecution if I ship to a
4 non-exempt California resident or receive any ammunition that law enforcement
5 deems "handgun ammunition" even though do not know what types of ammunition
6 are "handgun ammunition" nor what ammunition law enforcement will consider
7 "handgun ammunition" under these laws.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed within the United States this 2 day of September, 2010

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11 
12 Steven Stonecipher
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA

3 COUNTY OF FRESNO

4 I, Valerie Pomella, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

6 On September 7, 2010, I served the foregoing document(s) described as

7 **DECLARATION OF STEVEN STONECIPHER, IN SUPPORT OF MOTION FOR**
8 **PRELIMINARY INJUNCTION**

9 on the interested parties in this action by placing

10 ☐ the original

☒ a true and correct copy

thereof enclosed in sealed envelope(s) addressed as follows:

11 Edmund G. Brown, Jr.
12 Attorney General of California
13 Zackery P. Morazzini
14 Supervising Deputy Attorney General
15 Peter A. Krause
16 Deputy Attorney General (185098)
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

17 — (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
processing correspondence for mailing. Under the practice it would be deposited with the
18 U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
California, in the ordinary course of business. I am aware that on motion of the party
19 served, service is presumed invalid if postal cancellation date is more than one day after
date of deposit for mailing an affidavit.
Executed on September 7, 2010, at Long Beach, California.

20 X (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the
21 addressee.
Executed on September 7, 2010, at Long Beach, California.

22 — (VIA FACSIMILE TRANSMISSION) As follows: The facsimile machine I used complies
23 with California Rules of Court, Rule 2003, and no error was reported by the machine.
Pursuant to Rules of Court, Rule 2006(d), I caused the machine to print a transmission
24 record of the transmission, copies of which is attached to this declaration.
Executed on September 7, 2010, California.

25 X (STATE) I declare under penalty of perjury under the laws of the State of California that
26 the foregoing is true and correct.

27 
28 VALERIE POMELLA