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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
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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.
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) CASE NO. 10CECG02116

) **DECLARATION OF RANDY WRIGHT 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 RANDY WRIGHT

I, Randy Wright, declare as follows:

1. I am the President of Plaintiff Able's Sporting, Inc., a Texas corporation that sells and ships a variety of ammunition suitable for use in both handguns and rifles directly to California residents.

2. As President, I am responsible for determining the policies and operating procedures of Able's Sporting, Inc. In doing so, I am responsible for ensuring compliance with all applicable laws in the locations from which, and to which, Able's Sporting, Inc. ships ammunition, including California Penal Code sections 12060, 12061, and 12318.

3. I do not know what my obligations are under California Penal Code sections 12060, 12061 and 12318 because I do not know what types of ammunition are "principally for use in a" handgun.

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.

6. I do not know whether the "principally for use in a" handgun standard means that a particular ammunition caliber 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.

7. 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.

8. Because I do not know what my obligations are under California Penal Code sections 12060, 12061, and 12318, I fear that I may be prosecuted for

1 unknowingly violating them. For example, I fear that I am subject to the threat of
2 prosecution if I ship to a non-exempt California resident any type of ammunition
3 that law enforcement deems "handgun ammunition" even though I do not know
4 what calibers law enforcement will consider "handgun ammunition."

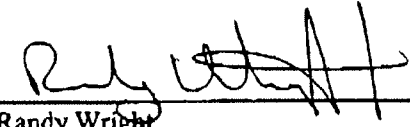
5 9. I will cease shipment of all types of ammunition that are suitable for use
6 in both handguns and long guns to non-exempt California customers after January
7 of 2011 to avoid risking criminal prosecution under California Penal Code sections
8 12318.

9 10. In order to avoid overstocking and prepare for Penal Code section 12318
10 to take effect, I will reduce the amount of all ammunition suitable for use in both
11 handguns and Rifles that Able's Sporting, Inc. keeps in stock in the near future.
12 This will cause a significant decrease in profits and result in higher costs for Able's
13 Sporting, Inc. because the loss of California customers means Able's Sporting, Inc.
14 will buy less bulk from manufacturers. This, in turn, will likely mean that Able's
15 Sporting, Inc. will pay higher rates per unit of ammunition, and manufacturers may
16 take their business elsewhere, which business Able's Sporting, Inc.'s may not be
17 able to recoup following resolution of this action.

1 11. In addition, in the event this litigation is not resolved prior to February
2 1, 2011 when section 12318 takes effect, Able's Sporting, Inc. will suffer a massive
3 loss in profits due to the loss of ammunition sales to its California customers.
4 Able's Sporting, Inc. will suffer these losses not only for the sales that it cannot
5 process while this litigation is pending, but will likely lose the future business of
6 California customers who currently purchase ammunition from Able's Sporting,
7 Inc. but who are forced to choose alternative sources for ammunition during the
8 period Able's Sporting, Inc. cannot ship most types of ammunition to California.

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

10 Executed within the United States this 31 day of August, 2010

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12 
13 Randy Wright
14 President, Able's Sporting, Inc.
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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 RANDY WRIGHT IN SUPPORT OF MOTION FOR**
8 **PRELIMINARY INJUNCTION**

on the interested parties in this action by placing

9 ☐ the original

☒ a true and correct copy

10 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
Deputy Attorney General (185098)
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

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

19 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
addressee.

21 Executed on September 7, 2010, at Long Beach, California.

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

24 Executed on September 7, 2010, California.

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

26 
27 VALERIE POMELLA
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