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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO

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

15 Plaintiffs and Petitioners,

16 vs.

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

21 Defendants and Respondents.
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FILED
SEP 07 2010

FRESNO COUNTY SUPERIOR COURT
By _____ TLC - DEPUTY

CASE NO. 10CECG02116

**DECLARATION OF RAY T. GILES 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 RAY T. GILES

I, Ray T. Giles, declare as follows:

1. I am the owner of Plaintiff RTG Sporting Collectibles, LLC, a Texas limited liability company that sells and ships directly to California residents a variety of ammunition calibers suitable for use in both handguns and rifles, but which are primarily sold as collectibles not intended to be fired.

2. As the owner, I am responsible for determining the policies and operating procedures of RTG Sporting Collectibles, LLC. In doing so, I am responsible for ensuring RTG Sporting Collectibles, LLC complies with all applicable federal, state, and local laws, 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 which ammunition calibers are principally for use in a handgun. I also do not know which calibers are exempt from these laws as ammunition that is “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 technical 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.

5. 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.

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

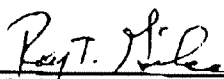
7. Because I do not know what my obligations are under California Penal

1 Code sections 12060, 12061, and 12318, I fear that I may be prosecuted for
2 unknowingly violating them. For example, I fear that I am subject to prosecution if
3 I ship to a non-exempt California resident any caliber of ammunition that law
4 enforcement deems "handgun ammunition" even though I do not know what
5 calibers of ammunition are "handgun ammunition" or which calibers of
6 ammunition law enforcement will consider "handgun ammunition."

7 8. I will cease shipment of all calibers of ammunition that are suitable for
8 use in both handguns and long guns to non-exempt California customers after
9 January of 2011 to avoid risking criminal prosecution under California Penal Code
10 section 12318. In the case this litigation is not resolved prior to February of 2011,
11 RTG Sporting Collectibles, LLC will lose significant profits because it relies on the
12 California market for much of the sales of its unique product – collectible
13 ammunition. With the loss of the California market, RTG Sporting Collectibles,
14 LLC cannot just simply find other buyers elsewhere; rather, the amount of product
15 it sells will necessarily decrease.

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

17 Executed within the United States
18 this 28 day of August, 2010



Ray T. Giles
Owner, RTG Sporting Collectibles, LLC

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

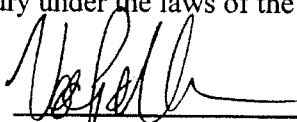
16 (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
17 processing correspondence for mailing. Under the practice it would be deposited with the
U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach,
18 California, in the ordinary 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
19 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
addressee.

21 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