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

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

14 Plaintiffs and Petitioners,

15 vs.

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

20 Defendants and Respondents.
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FILED

SEP 07 2010

FRESNO COUNTY SUPERIOR COURT
By _____ TLC - DEPUTY

CASE NO. 10CECG02116

**DECLARATION OF MIKE HAAS 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 MIKE HAAS

I, Mike Haas, declare as follows:

1. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

Firearms and Ammunition Expert Qualifications

2. I am the creator and author of the "Haas' Guide to Small Arms Ammunition"; a free computer utility that provided technical information on over 100 cartridges and their ballistics

3. In 2004, I converted this resource into a commercial company called "AmmoGuide" Today AmmoGuide.com serves thousands of paid subscribers. Based on number of load recipes, AmmoGuide is the leading community reloading website. Users of my website include hunters, shooters, firearms professionals, law enforcement and the military. A true and correct copy of <http://ammoguide.com> - "About AmmoGuide.com" is filed concurrently herewith as Exhibit "46."

4. AmmoGuide.com provides in-depth technical information on over 750 cartridges, including histories, case dimensions and over 20,000 loading recipes. AmmoGuide.com provides a wealth of exclusive and sophisticated ammunition-related services such as Visual and Ballistic Comparison, Trajectory Calculation and much more. AmmoGuide.com's forum provides valuable community and social interaction for visitors interested in firearms and ammunition.

5. As AmmoGuide.com is a community website, I have many experts with subscriptions and who are regular forum posters who own their own business, including gunsmiths and manufacturers. Two of my most famous subscribers are Ken Oehler (<http://oehler-research.com>) and Mike Bellm (<http://www.bellmtcs.com/store/index.php?cid=1>), both of whom post on my forums. For years, I have also featured a "Learn About Ammo" tool that other websites can and do use on their own homepages (<http://ammoguide.com/?article=importag0510>.)

6. As a result of my expertise in ammunition cartridges due in part to creating and maintaining AmmoGuide.com, I have been interviewed by media whenever a major news story involving ammunition has gripped the nation; most recently being when the Washington DC Sniper story brought 5.56mm NATO cartridges to the national spotlight.

1 7. I was contacted as a consultant by noted firearms author Michael Bussard during his
2 preparation of "Ammo Encyclopedia." I am acknowledged for my efforts along with
3 AmmoGuide.com on page 8 of that publication. A true and correct copy of Bussard, Ammo
4 Encyclopedia (2008) at p. 8 is filed concurrently herewith as Exhibit "47."

5 8. Technical resources that I am intimately familiar with that are most valuable in my
6 work include:

- 7 - Cartridges of the World, Frank Barnes, Kraus Publications
- 8 - Small Arms of the World, Edward Clinton Ezell, Stackpole Books
- 9 - The Handloader's Manual of Cartridge Conversions, John J. Donnelly, Stoeger
10 Publishing Co.
- 11 - The Gunsmith's Book of Chamber Prints, Dave Kiff, Pacific Tool & Gauge
- 12 - Ammo Encyclopedia, Michael Bussard, Blue Book Publications

13 Cannot Determine whether Cartridges are Principally for Use in Handguns vs. Rifles

14 9. Most ammunition cartridges can be used safely in both rifles and handguns. Modern
15 commercially produced ammunition can be used in either a rifle or a handgun.

16 10. All modern centerfire and rimfire ammunition for use in rifles and/or handguns consist
17 of the same components: a metal casing that suspends a metal projectile over a charge of powder
18 confined within the metal casing and a primer to ignite the charge ("self-contained metallic
19 ammunition"). A true and correct copy of rkba.org - Principles of Firearms – Definitions
20 "Ammunition Components" is filed concurrently herewith as Exhibit "11."

21 11. Self-contained metallic ammunition has been available for almost 160 years. Whether
22 a particular type of ammunition is used in a handgun (pistol or revolver) or a rifle (or a shorter
23 carbine version) is determined by the needs and desires of the end user. Very large cartridges are
24 generally not used in handguns because of recoil or the weapon's bulk, not because of design or
25 strength limitations. Smaller and relatively less powerful cartridges have been widely used in both
26 rifles and handguns. This is generally referred to as "cartridge interchangeability."

27 12. Numerous ammunition cartridges, including but not limited to .22 Short, .22 Long,
28 32-20, .38-40, .44-40, and .45 Long Colt can be used in identical firearms that were manufactured

1 both in or before 1898 and after 1898, and are commonly used in both rifles and handguns. True
2 and correct copies of Flayderman's Guide to Antique American Firearms (1998 7th ed.) p. 265-66
3 (hereafter Flayderman's), www.chuckhawks.com - A Brief History of .22 Rimfire Ammunition,
4 and Flayderman's (1998 7th ed.) p. 85 are filed concurrently herewith as Exhibits "12," "17,"
5 and "19," respectively.

6 13. Commercial cartridges are sometimes labeled as being for "rifles" or "pistols." For
7 instance, Eley .22 Long Rifle 40gr Match Pistol ammunition can be safely and effectively used in
8 a rifle. In this example even the name of the cartridge (.22 Long Rifle) adds to the confusion.
9 Conversely, Remington .30-30 Express Core-Lokt Rifle cartridges can be used in a Thompson
10 Contender handgun that is chambered for that cartridge.

11 14. That "dual-use" of ammunition is anticipated by the manufacturer (box markings
12 aside) can be seen by the disclaimer on a box of Remington .223 ammunition. It reads " Notice:
13 These Remington cartridges are adapted to and intended for use only in arms in good condition
14 originally chambered and designed for the cartridge." The markings on ammunition boxes are
15 interesting, but are not controlling as to how it can ultimately be used, or as to whether that
16 particular ammunition was intended to be used, or will actually be used, more often in a handgun
17 than in a rifle. Such a determination cannot be made from looking at the packaging nor from
18 consulting any other resource.

19 15. Although descriptions of some cartridges referring to them as "handgun" or "rifle"
20 cartridges can sometimes be found in works that describe ammunition in general - reloading
21 manuals, technical references, etc., these references are not exhaustive in terms of each cartridge
22 of ammunition; nor do these references identify whether a particular cartridge is used or intended
23 to be used more often in a handgun than in a long gun. These occasional references to some
24 ammunition cartridges as rifle or handgun are not commonly understood by the general public,
25 and would by no means be sufficient to identify these, let alone all, of the thousands of types of
26 ammunition cartridges as being used principally in a handgun rather than a long gun.

27 16. I am not aware of any generally accepted definition of "handgun ammunition," nor any
28 commonly understood delineation between "handgun ammunition" and other ammunition used in

1 the firearms industry that indicates whether ammunition cartridges are fired or intended to be fired
2 more often in handguns than in rifles.

3 17. AmmoGuide.com, which is one of leading online ammunition resources, features no
4 distinction in its list of ammunition cartridges as to whether rounds of ammunition are principally
5 for use in a a rifle versus a pistol. Nothing on AmmoGuide classifies cartridges as handgun or
6 rifle cartridges, nor any information suggesting whether a given ammunition cartridge is used
7 more often in a handgun than in a rifle.


8 18. Whether a given cartridge of ammunition is used more often in a handgun than in a
9 rifle may change and fluctuate over time, depending on the changing popularity and usage of
10 different types of firearms which utilize that caliber of ammunition, or vice-versa.

11 19. I do not know what ammunition cartridges are "principally for use" in a handgun.
12 Neither the academic and professional works comprising my library nor my experiences
13 qualifying me as an expert in firearms and ammunition provide me with knowledge as to what
14 cartridges are "principally for use in a handgun."

15 20. Furthermore, I do not know, and I am unable to determine, which cartridges are used
16 more often in a handgun than in a long gun.

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

18 Executed within the United States this 7th day of September, 2010

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21 Mike Haas

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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 MIKE HAAS IN SUPPORT OF
8 MOTION FOR PRELIMINARY INJUNCTION**

8 on the interested parties in this action by placing

9 ☐ the original

☒ a true and correct copy

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

10 Edmund G. Brown, Jr.

11 Attorney General of California

Zackery P. Morazzini

12 Supervising Deputy Attorney General

Peter A. Krause

13 Deputy Attorney General (185098)

1300 I Street, Suite 125

14 P.O. Box 944255

Sacramento, CA 94244-2550

15 — (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
16 processing correspondence for mailing. Under the practice it would be deposited with the
17 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
18 served, service is presumed invalid if postal cancellation date is more than one day after
date of deposit for mailing an affidavit.

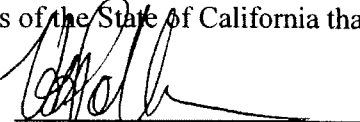
Executed on February ____, 2009, at Long Beach, California.

19 X (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the
20 addressee.

Executed on February ____, 2009, at Long Beach, California.

21 — (VIA FACSIMILE TRANSMISSION) As follows: The facsimile machine I used
22 complies with California Rules of Court, Rule 2003, and no error was reported by the
23 machine. 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 February ____, 2009, 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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