1	Kamala D. Harris	
2	Attorney General of California ZACKERY P. MORAZZINI	
	Supervising Deputy Attorney General	
3	KIMBERLY GRAHAM Deputy Attorney General	
4	PETER A. KRAUSE	
5	Deputy Attorney General State Bar No. 185098 1300 I Street, Suite 125	
6	P.O. Box 944255	
7	Sacramento, CA 94244-2550 Telephone: (916) 324-5328	
8	Fax: (916) 324-8835 E-mail: Peter.Krause@doj.ca.gov	
	Attorneys for Defendants and Respondents	
9	the State of California, Edmund G. Brown, Jr., and the California Department of Justice	id
10		
11	SUPERIOR COURT OF THI	E STATE OF CALIFORNIA
12	COUNTY O	F FRESNO
13		
14		Case No. 10CECG02116
15		•
13		(1) DEFENDANTS' OBJECTIONS TO
16	SHERIFF CLAY PARKER, et al.,	EVIDENCE AND DECLARATIONS
16		EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR
16 17	Plaintiffs and Petitioners,	EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF
16		EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE
16 17 18 19	Plaintiffs and Petitioners,	EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY
16 17 18	Plaintiffs and Petitioners, v.	EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF;  (2) [PROPOSED] ORDER THEREON Date: January 18, 2011
16 17 18 19	Plaintiffs and Petitioners, v. THE STATE OF CALIFORNIA, et al.,	EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF;  (2) [PROPOSED] ORDER THEREON  Date: January 18, 2011 Time: 8:30 a.m. Dept: 402
16 17 18 19 20	Plaintiffs and Petitioners, v. THE STATE OF CALIFORNIA, et al.,	EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF;  (2) [PROPOSED] ORDER THEREON  Date: January 18, 2011 Time: 8:30 a.m.
16 17 18 19 20 21 22	Plaintiffs and Petitioners, v. THE STATE OF CALIFORNIA, et al.,	EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF;  (2) [PROPOSED] ORDER THEREON  Date: January 18, 2011 Time: 8:30 a.m. Dept: 402
16 17 18 19 20 21 22 23	Plaintiffs and Petitioners, v.  THE STATE OF CALIFORNIA, et al., Defendants and Respondents.	EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF;  (2) [PROPOSED] ORDER THEREON  Date: January 18, 2011 Time: 8:30 a.m. Dept: 402 Judge: Hon. Jeffrey Hamilton  Action Filed: June 17, 2010
16 17 18 19 20 21 22	Plaintiffs and Petitioners, v. THE STATE OF CALIFORNIA, et al.,	EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF;  (2) [PROPOSED] ORDER THEREON  Date: January 18, 2011 Time: 8:30 a.m. Dept: 402 Judge: Hon. Jeffrey Hamilton  Action Filed: June 17, 2010
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16 17 18 19 20 21 22 23 24	Plaintiffs and Petitioners, v.  THE STATE OF CALIFORNIA, et al., Defendants and Respondents.  Defendants and respondents the State of California.	EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF;  (2) [PROPOSED] ORDER THEREON  Date: January 18, 2011 Time: 8:30 a.m. Dept: 402 Judge: Hon. Jeffrey Hamilton  Action Filed: June 17, 2010  difornia, Edmund G. Brown Jr. (sued a Department of Justice (collectively, the
16 17 18 19 20 21 22 23 24 25	Plaintiffs and Petitioners, v.  THE STATE OF CALIFORNIA, et al., Defendants and Respondents.  Defendants and respondents the State of Calerroneously as "Jerry Brown"), and the California	EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF;  (2) [PROPOSED] ORDER THEREON  Date: January 18, 2011 Time: 8:30 a.m. Dept: 402 Judge: Hon. Jeffrey Hamilton  Action Filed: June 17, 2010  difornia, Edmund G. Brown Jr. (sued a Department of Justice (collectively, the clarations of Tom Allman, Barry Bauer, Ray T.

Defendants' Objections To Evidence and Declarations Submitted In Support of Plaintiffs' Motion for Summary Judgment or in the Alternative Summary Adjudication / Trial Brief (10CECG02116)

1	Stonecipher, Michael Tenny, an	d Randy Wright, and to certain exhibits offer	red by plaintiffs
2	Sheriff Clay Parker, Herb Bauer Sporting Goods, California Rifle and Pistol Association		
3	Foundation, Able's Sporting, Inc., RTG Collectibles, LLC, and Steven Stonecipher (collectively		
4	"Plaintiffs") in support of their l	Motion for Summary Judgment or, in the Alt	ernative, Summary
5	Adjudication / Trial Brief.		
6	The State respectfully req	uests that the Court rule on each of the follow	ving objections prior
7	to ruling on Plaintiffs' motion.	·	•
8			
9	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
	Declarations of Brian Hall,	1. These declarants each fail to aver	
10	1	·	☐ Sustained
	Larry W. Potterfield, Clay	that they have personal knowledge of	☐ Overruled
11	Parker, Michael Tenny,	the facts set forth in their declarations,	
12	and Randy Wright	or that if called as a witness that they	,
		could and would testify competently to	
13		the truth of the factual matters asserted	
		in their declarations. (See Code Civ.	
14		Proc., § 437c(d) ["Supporting	
ا ہے،		affidavits or declarations shall be made	
15		by any person on personal knowledge,	
16		shall set forth admissible evidence, and	
10		shall show affirmatively that the affiant	
17		is competent to testify to the matters	
•		stated in the affidavits or declarations"];	
18		Corwin v. Los Angeles Newspaper Serv.	
	· ·	Bureau, Inc. (1971) 4 Cal.3d 842,851 fn.	
19		6.)	
20	OBJECTIONS TO DECLAR.	ATION OF TOM ALL MAN	·
.	Paragraph 3 (2:10-12): I am	2. Conclusory. The declarant	Constained
21	responsible for determining	fails to explain how such policies are	☐ Sustained
22	the policies of the Mendocino	adopted or who might have input.	☐ Overruled
	County Sheriff-Coroner's		
23	Department, including a	(See Kramer v. Barnes (1963) 212	
ļ	determination of what	Cal.App.2d 440, 446 ["Affidavits which set forth only conclusions,	,
24		opinions or ultimate facts are	
, -	ammunition is regulated as "handgun ammunition" under	insufficient"].)	
25	California Penal Code	msumerem J.)	
26			·
	sections 12060, 12061, and 12318.		
27			
28			144 <u></u>
		2	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2		3. Ambiguous: The declarant	☐ Sustained
3		fails to explain what sort of policy	□ Overruled
		would apply to a determination of	
4		what ammunition is handgun	
5		ammunition and how that policy	٠
ا آ		might be communicated to officers.  4. Lacks Foundation (§ 403):	□ Ct.: 1
6		4. Lacks Foundation (§ 403): The declarant fails to proffer any	☐ Sustained
_		preliminary evidence to lay the	☐ Overruled
7		foundation for his department's	
8 .		procedures for setting such policies,	
		whether they are written or verbal,	
9	·	or even what steps he might take in	
10		drafting the policy.	
10	Paragraph 4 (2:13-16): I do	5. Conclusory: Declaration	☐ Sustained
11	not know what ammunition is	which sets forth only conclusions,	□ Overruled
	"principally for use in" a	opinions or, ultimate facts is	
12	handgun. I also do not know	insufficient. (Kramer v. Barnes	
13	what ammunition is exempt	(1963) 212 Cal.App.2d 440, 446.)	
15	from these laws as		
14	ammunition "designed and intended to be used in		•
ا ء.	'antique firearms'"		
15	manufactured before 1898 are		
16	also used in firearms		
ļ.	manufactured after 1898.	·	
17		6. Inadmissible Opinion (§ 801) and	☐ Sustained
18		Lacks Foundation (§ 403): The	□ Overruled
1.0		declarant has not proffered any	,
19	·	preliminary evidence to lay the	
•		foundation that he attempted to search	
20		for guidance as to what ammunition is	
21		"principally for use in a handgun, and	
		has not satisfied any of the exceptions	
22		to section 403, subdivision (a).	
22.		Further, the declarant fails to state	
23		what steps, if any, he took to determine what ammunition is exempt	
24		as ammunition for antique weapons.	, )
		(See <i>Taliaferro v. Taliaferro</i> (1962)	
25		203 Cal.App.2d 649, 651 [failure to	
26		state facts upon which opinion is	
~		based may warrant disregard of	
27		opinion, especially where it is self-	
20		serving].)	1
28		3	

EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
Without any further	which sets forth only conclusions,	<ul><li>☐ Sustained</li><li>☐ Overruled</li></ul>
1 0		
ammunition" under Penal	(1963) 212 Cal.App.2d 440, 446.)	
and 12318, I am unable to		
because I do not know what		
ammunition is "handgun ammunition."		
	8. Lack of Foundation	☐ Sustained
	(§ 403): The declarant has not	□ Overruled
	to lay the foundation about what	
	steps, if any, he took to search for	
	might be considered "handgun	
· .		
	subdivision (a).	
OBJECTIONS TO DECLAR	ATION OF BARRY BAUER	
Paragraph 3 (2:11-12): I do	9. Conclusory: Declaration	□ Sustained
11	•	☐ Overruled
F		
12318.	7	
	10. Lacks Foundation (§ 403):	☐ Sustained☐ Overruled☐
	preliminary evidence to lay the	□ Overrulea
	reference materials to determine what	
	ammunition might be considered "handgun ammunition." and has not	
	satisfied any of the exceptions to	
Paragraph 4 (2:13-16): I do		□ Sustained
not know what ammunition is	which sets forth only conclusions,	☐ Overruled
principally for use in a	opinions or, ultimate facts is	
handgun. Nor do I know of any source from which I could	insufficient. ( <i>Kramer v. Barnes</i> (1963) 212 Cal.App.2d 440, 446.)	
determine what ammunition		
	Paragraph 5 (2:17-19): Without any further guidelines as to what ammunition is "handgun ammunition" under Penal Code sections 12060, 12061, and 12318, I am unable to enforce these laws equitably because I do not know what ammunition is "handgun ammunition."  OBJECTIONS TO DECLAR.  Paragraph 3 (2:11-12): I do not know what ammunition is "handgun ammunition" under California Penal Code sections 12060, 12061, and 12318.  Paragraph 4 (2:13-16): I do not know what ammunition is principally for use in a handgun. Nor do I know of any source from which I could	Paragraph 5 (2:17-19): Without any further guidelines as to what ammunition is "handgun ammunition" under Penal Code sections 12060, 12061, and 12318, I am unable to enforce these laws equitably because I do not know what ammunition is "handgun ammunition" "  8. Lack of Foundation (§ 403): The declarant has not proffered any preliminary evidence to lay the foundation about what steps, if any, he took to search for guidance as to what ammunition might be considered "handgun ammunition," and has not satisfied any of the exceptions to section 403, subdivision (a).  OBJECTIONS TO DECLARATION OF BARRY BAUER  Paragraph 3 (2:11-12): I do not know what ammunition is "handgun ammunition" under California Penal Code sections 12060, 12061, and 12318.  OBJECTIONS TO DECLARATION OF BARRY BAUER  Paragraph 4 (2:13-16): I do not know what ammunition is principally for use in a handgun. Nor do I know of any source from which I could

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	suitable for use in both rifles		
3	and handguns is principally for use in a handgun under		
4	California Penal Code		
	sections 12060, 12061, and		
.5	12318, and which is not		
6	principally for use in a handgun.		
7		12. Lacks Foundation (§ 403):	☐ Sustained
	,	The declarant has not proffered any	☐ Overruled
8		preliminary evidence to lay the foundation that he attempted to	·
9		research what ammunition might be	
10		suitable in both rifles and handguns,	
1		and has not satisfied any of the	
11		exceptions to section 403, subdivision (a).	
12	Paragraph 5 (2:17-21): I	13. Conclusory: Declaration	☐ Sustained
13	also do not know which	which sets forth only conclusions,	☐ Overruled
	ammunition is exempt from	opinions or, ultimate facts is	
14	California Penal Code sections 12060, 12061, and	insufficient. ( <i>Kramer v. Barnes</i> (1963) 212 Cal.App.2d 440, 446.)	
15	12318 as ammunition	(1903) 212 CallApp.2d 440, 440.)	· •
	"designed and intended to be		
16	used in 'antique firearms'"		
17	manufactured before 1898		•
18			
10			
19			· · · · · · · · · · · · · · · · · · ·
20		14. Lacks Foundation (§ 403): The declarant has not proffered any	☐ Sustained
		preliminary evidence to lay the	□ Overruled
21		foundation that he attempted to	·
22		research what ammunition might be	
23		exempt from California Penal Codesections 12060, 12061, and 12318,	
		and has not satisfied any of the	
24		exceptions to section 403, subdivision	, .
25		(a).	
26	Paragraph 11 (3:13-15): I fear that I will be prosecuted	15. Conclusory: Declaration which sets forth only conclusions,	□ Sustained
۵	for unknowingly violating	opinions or, ultimate facts is	□ Overruled
27	those statutes and will have	insufficient. (Kramer v. Barnes	
28	my federal firearms license	(1963) 212 Cal.App.2d 440, 446.)	
		5	-

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	and California firearm dealers		
3	permit revoked.		
	,	16. Speculative: The declarant	☐ Sustained
4		does not present any evidence,	☐ Overruled
_		besides his purported "fear" to	
-5		substantiate that he will be	
6		prosecuted. Because there is no	
		evidence, the testimony is	
7		speculative. ( <i>People v. Morrison</i> (2004) 34 Cal.4th 698, 711 [evidence	•
8	·	is "irrelevant" if it leads only to	
٥		speculative inferences].)	
9		17. Lacks Foundation (§ 403):	☐ Sustained
		The declarant has not proffered any	□ Overruled
10		preliminary evidence to lay the	Overrated
11		foundation that he will be prosecuted	
11		or has been threatened with	
12		prosecution.	
13	OBJECTIONS TO DECLARA	TION OF RAY T. GILES	
14	Paragraph 3 (2:10-11): I do	18. Conclusory: Declaration	☐ Sustained
-	not know what ammunition is	which sets forth only conclusions,	☐ Overruled
15	"handgun ammunition" and	opinions or, ultimate facts is	·
16	thus subject to California	insufficient. (Kramer v. Barnes	
16	Penal Code sections 12060,	(1963) 212 Cal.App.2d 440, 446.)	
17	12061, and 12318.		
		19. Lacks Foundation (§ 403):	☐ Sustained
18		The declarant has not proffered any	□ Overruled
19		preliminary evidence to lay the	
19		foundation that he attempted to	
20		research what ammunition might be	•
		considered "handgun ammunition," and has not satisfied any of the	
21		exceptions to section 403, subdivision	
22		(a).	
	Paragraph 4 (2:12-14): I do	20. Conclusory: Declaration	☐ Sustained
23	not know what ammunition is	which sets forth only conclusions,	□ Overruled
_	principally for use in a	opinions or, ultimate facts is	□ Oventalea
24	handgun. Nor do I know of	insufficient. (Kramer v. Barnes	
25	any source from which I could	(1963) 212 Cal.App.2d 440, 446.)	
	determine what ammunition		
26	suitable for use in both rifles		•
27	and handguns is principally		
27	for use in a handgun, and		
28	which is not principally for	,	
		6	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	use in a handgun.		
3 4	:	21. Lacks Foundation (§ 403): The declarant has not proffered any preliminary evidence to lay the	☐ Sustained☐ Overruled
5		foundation that he attempted to research what ammunition might be	
6		considered "handgun ammunition,"	
7		and has not satisfied any of the exceptions to section 403, subdivision (a).	
8	Paragraph 5 (2:15-17): I	22. Conclusory: Declaration	☐ Sustained
9	also do not know which	which sets forth only conclusions,	□ Overruled
	ammunition is exempt from California Penal Code	opinions or, ultimate facts is insufficient. (Kramer v. Barnes	
10	sections 12060, 12061, and	(1963) 212 Cal.App.2d 440, 446.)	
11	12318 as ammunition		
12	"designed and intended to be used in 'antique firearms'"		
	manufactured before 1898		
13			
14	en .	23. Lacks Foundation (§ 403):	☐ Sustained
15		The declarant has not proffered any preliminary evidence to lay the	☐ Overruled
		foundation that he attempted to	
16		research what ammunition might be	
17		exempt from California Penal Code sections 12060, 12061, and 12318,	
18	·. ,	and has not satisfied any of the	
		exceptions to section 403, subdivision	
19	Paragraph 10 (4:9-11):	(a).  24. Conclusory: Declaration	Contain d
20	Because I do not know what	which sets forth only conclusions,	☐ Sustained☐ Overruled☐
21	ammunition is handgun	opinions or, ultimate facts is	
1	ammunition" under California Penal Code sections 12060,	insufficient. (Kramer v. Barnes	
22	12061, and 12318, I fear that I	(1963) 212 Cal.App.2d 440, 446.)	
23	will be prosecuted for	·	
24	unknowingly violating those		
	statutes.	25. Lacks Foundation (§ 403):	□ Sustained
25		The declarant has not proffered any	□ Overruled
26		preliminary evidence to lay the	
27		foundation that he will be prosecuted, and has not satisfied any of the	
	:	exceptions to section 403, subdivision	
28	<b>'</b>		

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	·	(a).	
3		26. Speculative: The declarant does not present any evidence,	☐ Sustained☐ Overruled
4		besides his "fear," to substantiate that he will be prosecuted. Because there	,
5		is no evidence, the testimony is	
6		speculative. ( <i>People v. Morrison</i> , supra, 34 Cal.4th 698, 711.)	
7	OBJECTIONS TO DECLARA	ATION OF BRIAN HALL	
8	Paragraph 3 (2:11-12): I do	27. Conclusory: Declaration	☐ Sustained
	not know what ammunition is	which sets forth only conclusions,	☐ Overruled
9	"handgun ammunition" and	opinions or, ultimate facts is	
10	thus subject to California	insufficient. (Kramer v. Barnes	
11	Penal Code sections 12060, 12061, and 12318.	(1963) 212 Cal.App.2d 440, 446.)	
12		28. Lacks Foundation (§ 403):	☐ Sustained
1.2		The declarant has not proffered any	☐ Overruled
13		preliminary evidence to lay the foundation that he attempted to	
14		research what ammunition might be	
14		considered "handgun ammunition,"	
15		and has not satisfied any of the	
16		exceptions to section 403, subdivision (a).	
17	Paragraph 4 (2:13-15): I do	29. Conclusory: Declaration	☐ Sustained
17	not know what ammunition is	which sets forth only conclusions,	☐ Overruled
18	principally for use in a	opinions or, ultimate facts is	
10	handgun. Nor do I know of	insufficient. (Kramer v. Barnes	
19	any source from which I could	(1963) 212 Cal.App.2d 440, 446.)	
20	determine what ammunition suitable for use in both rifles		•
	and handguns is principally		·
21	for use in handguns, and		
22	which is not principally for	•	
	use in a handgun.		
23		30. Lacks Foundation (§ 403): The declarant has not proffered any	☐ Sustained
24		preliminary evidence to lay the	☐ Overruled
25		foundation that he attempted to	,
25	·	research what ammunition might be	
26		suitable in both rifles and handguns,	
27		and has not satisfied any of the	
28		exceptions to section 403, subdivision (a).	
٥ ـ	·	. 0	•

, 1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2			
3	Paragraph 5 (2:16-18): I	31. Conclusory: Declaration	☐ Sustained
4	also do not know what	which sets forth only conclusions,	□ Overruled
5	ammunition is exempt from California Penal Code	opinions or, ultimate facts is insufficient. (Kramer v. Barnes	,
6	sections 12060, 12061, and	(1963) 212 Cal.App.2d 440, 446.)	
7	12318 as ammunition "designed and intended to be		
·	used in 'antique firearms'"		
8	manufactured before 1898		,
9	·	32. Lacks Foundation (§ 403):	☐ Sustained
10		The declarant has not proffered any preliminary evidence to lay the	☐ Overruled
11		foundation that he attempted to	
12		research what ammunition might be exempt from California Penal Code	
		sections 12060, 12061, and 12318,	
13		and has not satisfied any of the exceptions to section 403, subdivision	
14		(a).	
15	Paragraph 7 (3:1-5): Because I do not know what	33. Conslusory: Declaration which sets forth only conclusions,	☐ Sustained
16	"handgun ammunition" is	opinions or, ultimate facts is	☐ Overruled
17	under California Penal Code sections 12060, 12061, and	insufficient. (Kramer v. Barnes	
18	12318, and fear that	(1963) 212 Cal.App.2d 440, 446.)	
	Chattanooga Shooting		
19	Supplies, Inc., or I will be prosecuted for unknowingly		
20	violating those statutes, it is		·
21	the current intent of Chattanooga Shooting		
22	Supplies, Inc., to cease		
23	shipping all ammunition that is suitable for use in both		
	handguns and long guns to		
24	non-exempt California customers beginning February	·	· .
25	1, 2011 to avoid risking		
26	criminal prosecution under California Penal Code section		
27	12318.		
28			·
		9	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2 3 4		34. Speculative: The declarant does not present any evidence, besides his purported "fear," to substantiate that Chattanooga	☐ Sustained☐ Overruled☐
5 6 7		Shooting Supplies, Inc. or the declarant will be prosecuted. Because there is no evidence, the testimony is speculative. ( <i>People v. Morrison</i> , <i>supra</i> , 34 Cal.4th 698, 711.)	
8 9 10 11 12		35. Immaterial and Irrelevant (§§ 210, 350, & 351): The fact that Chattanooga Shooting Supplies, Inc., might cease shipping ammunition beginning February 1, 2011, is irrelevant to the material issue as to what ammunition is considered handgun ammunition.	□ Sustained □ Overruled
13 14 15		36. Ambiguous: "Clear intent" is ambiguous because it is unclear if it is the final decision or if Chattanooga Shooting Supplies, Inc., will change its mind and continue shipping products as they currently do.	☐ Sustained☐ Overruled☐
16 17 18 19		37. Lacks Foundation (§ 403): The declarant has not proffered any preliminary evidence to lay the foundation that he attempted to research what ammunition might qualify as handgun ammunition.	□ Sustained □ Overruled
20	OBJECTIONS TO DECLAR	ATION OF STEPHEN HELSLEY	
21 22	Paragraph 52 (16:17-22): For the person who knows little about firearms, the	38. Conclusory: Declaration which sets forth only conclusions, opinions or, ultimate facts is	☐ Sustained ☐ Overruled
23	imprecise use of technical terms is predictable. A	insufficient. ( <i>Kramer v. Barnes</i> (1963) 212 Cal.App.2d 440, 446.)	
24	common error is to assume that "everyone knows" something or that it is		
<ul><li>25</li><li>26</li></ul>	"common knowledge." When people refer to ".22s,"		
27	"9mms," ".45s," or any other "caliber" of cartridges, and		
28	assume they have	10	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	communicated effectively the		·
3	specific ammunition cartridge		
	they have in mind, they are		
4	usually mistaken.		
5		39. Inadmissible Opinion (§ 803) and Lacks Foundation (§ 403):	☐ Sustained☐ Overruled☐
6		The statement fails to identify any factual evidence to show what his	·
7		opinion is based on. ( <i>Taliaferro v. Taliaferro</i> (1962) 203 Cal.App.2d	
8		649, 651 [failure to state facts upon	*
		which opinion is based may warrant	
9		disregard of opinion, especially	
10	·	where it is self-serving]; Powell v.	
		Kleinman (2007) 151 Cal.App.4th	. ,
11		112, 123 ["an expert's opinion rendered without a reasoned	`
12		explanation of why the underlying	
		facts lead to the ultimate conclusion	
13	·	has no evidentiary value because an	·
14		expert opinion is worth no more than	
	·	the reasons and facts on which it is	
15		based"].)  40. Speculative: The statement	Ctain-d
16		fails to identify any factual evidence	☐ Sustained☐ Overruled
·		to show people who know "little	Overruled
17	·	about firearms" do not communicate	
18		effectively what specific ammunition	•
		cartridge they have in mind. Because	
19		there is no evidence, the statement is	
20		speculative.  41. Ambiguous: "Person" is	□ Q4-11
		41. Ambiguous: "Person" is ambiguous because it is not clear if	☐ Sustained☐ Overruled☐
21		he is referring to an average person	Overruled
22		who knows "little about firearms"	
		compared to a firearm vendor who is	
23		held to a higher standard than the	
24		"person who knows little about firearms."	
25	Paragraph 65 (19:26-27):	42. Conclusory: Declaration	☐ Sustained
25	"Virtually all modern,	which sets forth only conclusions,	□ Overruled
26	commercially produced self-	opinions or, ultimate facts is	
27	contained metallic	insufficient. (Kramer v. Barnes	
27	ammunition can be safely used interchangeably in a rifle	(1963) 212 Cal.App.2d 440, 446.)	· ·
28	used interestangeably III a little	11	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	or a handgun."		
3		43. Inadmissible Opinion (§	☐ Sustained
4		803) Lacks Foundation (§ 403):	☐ Overruled
5		The declarant has not proffered any	
ر ا		preliminary evidence to lay the foundation as to the sources he used	
6		to come to his opinion, and has not	V.
7		satisfied any of the exceptions to	
. 8		section 403, subdivision (a). ( <i>Taliaferro v. Taliaferro, supra,</i> 203	•
		Cal.App.2d 649, 651)	
9		44. Ambiguous: The phrase	☐ Sustained
10		"virtually all" is unclear without a factual explanation as to which	☐ Overruled
11		ammunition and cannot be used	1
		interchangeably.	i.
12	Paragraph 66 (20:1-4): There is no generally accepted	45. Conclusory: Declaration which sets forth only conclusions,	☐ Sustained
13	definition of "handgun	opinions or, ultimate facts is	☐ Overruled
14	ammunition," nor any	insufficient. (Kramer v. Barnes	
	commonly understood delineation between "handgun	(1963) 212 Cal.App.2d 440, 446; see	
15	ammunition" and other	also <i>Powell v. Kleinman</i> (2007) 151 Cal.App.4th 112, 123 ["an expert's	
16	ammunition used in the	opinion rendered without a reasoned	
17	firearms industry, let alone	explanation of why the underlying	ς.
1.0	one that allows one to determine whether certain	facts lead to the ultimate conclusion has no evidentiary value because an	
18	cartridges are "principally for	expert opinion is worth no more than	·
19	use" in handguns.	the reasons and facts on which it is	
20		based"].) 46. Lacks Foundation (§ 403):	☐ Sustained
21		The declarant has not proffered any	□ Overruled
•		preliminary evidence to lay the	
22		foundation as to the sources he used to reach his opinion, and has not	
23		satisfied any of the exceptions to	
24	·	section 403, subdivision (a).	
25			
26			
27			
28		12	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2		Speculative: Because there	☐ Sustained
3		is no evidence to show there is a lack	□ Overruled
		of a "generally accepted" definition	
4		or "commonly understood" delineation the statement is	
5		speculative. (People v. Morrison,	
		supra, 34 Cal.4th 698, 711.)	
6	Paragraph 69 (20:18-22):	48. Conclusory: Declaration	□ Sustained
7	The markings on ammunition	which sets forth only conclusions,	☐ Overruled
′∥	boxes are interesting, but are	opinions or, ultimate facts is	
8	not controlling as to how it	insufficient. (Kramer v. Barnes	
	can ultimately be used, or as	(1963) 212 Cal.App.2d 440, 446.)	
9	to whether that particular	·	•
10	ammunition was intended to		
	be used, or will actually be		
11-	used, more often in a handgun than in a rifle. Such a		·
12	determination cannot be made	•	
	from looking at the packaging		
13	nor from consulting any other		
1,	source.	:	
14		49. Lacks Foundation (§ 403)	☐ Sustained
15		and Inadmissible Opinion (§ 801):	□ Overruled
		Declarant does not provide factual	
16	·	evidence to support his opinion that	
17	·	the "markings" on the box are not	
		"controlling" as to how the ammunition can be used. Further, he	
18	·	does not provide any foundation as to	
19		what sources he reviewed or	'
19		attempted to locate in order to come	
20		to the opinion. (Taliaferro v.	
21		Taliaferro, supra, 203 Cal.App.2d	
21		649, 651; Powell v. Kleinman (2007)	
22		151 Cal.App.4th 112, 123 ["an	
		expert's opinion rendered without a	
23	,	reasoned explanation of why the	
24		underlying facts lead to the ultimate conclusion has no evidentiary value	
		because an expert opinion is worth no	
25		more than the reasons and facts on	
26		which it is based"].)	
ا ۲۰		50. Ambiguous: The term	☐ Sustained
27		"markings" is ambiguous because	□ Overruled
20		"markings" can refer to the caliber of	
28		12	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2		ammunition contained in the box or	•
3		whether the ammunition contained in the box should be used for handguns	
4		or rifles.	•
ہ	Paragraph 70 (20:23-26):	51. Speculative: Declarant	☐ Sustained
5	While firearms and	speculates about what third parties	☐ Overruled
6	ammunition literature sometimes make reference to	were thinking about when making the	
7	"handgun ammunition" and	distinction between "handgun ammunition" and "rifle ammunition,"	
·	"rifle ammunition," when	but does not provide factual evidence	
8	referencing some cartridges, I	to substantiate his assumption.	
	assume the authors never	(People v. Morrison, supra, 34	
9	anticipated making the	Cal.4th 698, 711.)	
10	technical distinctions		
	necessitated by CA Penal Code section 12060.		
11	Code section 12000.	52. Lacks Foundation (§ 403):	☐ Sustained
12		The declarant has not proffered any	□ Sustained □ Overruled
		preliminary evidence to lay the	□ Overranea
13	·	foundation supporting his	
14	1	assumption, and has not satisfied any	,
		of the exceptions to section 403,	
15	D	subdivision (a).	
16	Paragraph 71 (20:27-28- 21:1-2): The inclusion of	53. Speculative: Declarant does not provide factual evidence, but	☐ Sustained
	military and law enforcement	merely opines that there "could" be	□ Overruled
17	use of submachine guns in	an impact. Because there is no	,
18	determining whether a certain	evidence, it is irrelevant. (People v.	
	cartridge is used more often in	Morrison, supra, 34 Cal.4th 698, 711;	
19	a handgun could have a	Powell v. Kleinman (2007) 151	
20	significant impact, because	Cal.App.4th 112, 123 ["an expert's	
20	submachine guns use the same ammunition as many	opinion rendered without a reasoned explanation of why the underlying	,
21	handguns.	facts lead to the ultimate conclusion	
22	indireguis.	has no evidentiary value because an	,
		expert-opinion is worth no more than	·
23		the reasons and facts on which it is	
24		based"].)	
24		54. Lacks Foundation (§ 403):	☐ Sustained
25		The declarant has not proffered any	☐ Overruled
26		preliminary evidence to lay the foundation as to the sources he used	
26		to reach his opinion, and has not	,
27	,	satisfied any of the exceptions to	
20		section 403, subdivision (a).	,
28		14	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	Paragraph 71 (21:8-11):	55. Immaterial and Irrelevant	☐ Sustained
-3	From my experience with the	(§§ 210, 350, & 351): It is irrelevant	☐ Overruled
	Department of Justice,	whether submachine guns consume	
4	training with submachine	significant amounts of ammunition	
5	guns consumes significant	more than handguns during training	
ا ر	amounts of ammunition,	because it does not support the	
6	possibly more so than training with handguns chambered for	material issue as to what ammunition is principally used in handgun.	
_	the same cartridge.	is principally used in handguit.	
7	Paragraph 72 (21:11-13):	56. Conclusory: Declaration	☐ Sustained
8	Neither the academic and	which sets forth only conclusions,	□ Overruled
:	professional works	opinions or, ultimate facts is	- Overranda
9	comprising my library nor my	insufficient. (Kramer v. Barnes	
10	experiences qualifying me as	(1963) 212 Cal.App.2d 440, 446.)	1
10	an expert in firearms and		,
11	ammunition provide me with		
10	knowledge as to what		
12	cartridges are "principally for		
13	use in a handgun."	57. Lacks Foundation (§ 403):	Cugtained.
٠. ا		Declarant fails to identify facts	☐ Sustained☐ Overruled
14		underlying the methodology he	Overrured
15		followed to reach this opinion.	
		(Powell v. Kleinman (2007) 151	
16		Cal.App.4th 112, 123 ["an expert's	·
17		opinion rendered without a reasoned	
17	,	explanation of why the underlying	
18		facts lead to the ultimate conclusion	
	·	has no evidentiary value because an	
19	· .	expert opinion is worth no more than	
20		the reasons and facts on which it is based"]	
20	Paragraph 73 (21:14-16):	58. Conclusory: Declaration	☐ Sustained
21	Furthermore, I do not know of	which sets forth only conclusions,	☐ Overruled
22	any sources from which I	opinions or, ultimate facts is	Overfuled
22	could determine what	insufficient. (Kramer v. Barnes	
23	cartridges suitable for use in	(1963) 212 Cal.App.2d 440, 446.)	
	both rifles and handguns are	. , , , , , , , , , , , , , , , , , , ,	,
24	used more often in a handgun		
25	than in a long gun.	<u> </u>	
	· ·	59. Lacks Foundation (§ 403):	☐ Sustained
26		Declarant fails to identify facts	☐ Overruled
27		underlying the methodology he	
27		followed to reach this opinion. (Powell v. Kleinman (2007) 151	,
28	<u> </u>		
	1	15	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2 3		Cal.App.4th 112, 123 ["an expert's opinion rendered without a reasoned	
4		explanation of why the underlying facts lead to the ultimate conclusion	
5		has no evidentiary value because an expert opinion is worth no more than	
6		the reasons and facts on which it is based"]	
7	OBJECTIONS TO DECLAR	ATION OF CLINTON B. MONFORT	
8	Paragraph 3 (2:14-17): On	60. Hearsay (Evid. Code,	☐ Sustained
9	or about December 9, 2009, and again on or about December 15, 2009, our office	§ 1200): The statement summarizes an email but does not verify or properly authenticate the email's	□ Overruled
10	contacted Counsel for the Department of Justice	sender, recipient, or content.	
11	("DOJ") Bureau of Firearms via e-mail, seeking		,
12	clarification of California Penal Code sections 12060, 12061, and 12318 in order to		
13 <sub>.</sub>	best advise our clients on how to properly comply with the		,
	new laws.	(1 Dalaman (89 250 9 251).	
15 16		61. Relevance (§§ 350 & 351): Neither the statement nor the e-mail are relevant to any material issue in	☐ Sustained☐ Overruled☐
1.7		the case.  62. Secondary Evidence Rule	
17 18		(Evid. Code §§ 1521 & 1523, subd. (a)): Declarant is basing his	☐ Sustained☐ Overruled☐
19	, .	statement on emails, which violates § 1523, subd. (a). None of the	
20	D 14(2.10.21)	exceptions of subdivisions (b) through (d) apply.	
21	Paragraph 4 (2:18-21): On or about December 9, 2009, our office contacted Counsel	63. Hearsay (§ 1200): The statement summarizes the writings, which in turn refers to another	☐ Sustained☐ Overruled☐
22	for the DOJ Bureau of Firearms via e-mail, inquiring	communication.	
23	about whether Defendant DOJ would hold any regulatory		
24	meetings regarding the implementation of Assembly		
25	Bill 962. Counsel responded that Defendant DOJ had no intentions of holding any		
26	intentions of holding any regulatory meetings on this issue.		
27 28	1550.0	64. Relevance (§§ 350 & 351): Neither the statement nor the e-mail	☐ Sustained
		16	1

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2		are relevant to any material issue in the case.	☐ Overruled
3 4 5 6		65. Secondary Evidence Rule (Evid. Code, §§ 1521 & 1523, subd. (a)): Declarant is basing his statement on emails, which violates § 1523, subd. (a). None of the exceptions of subdivisions (b) through (d) apply.	□ Sustained □ Overruled
7 8	Paragraph 5 (2:22-25): On or about December 15, 2009, our office again contacted Counsel for the DOJ Bureau	66. Hearsay (§ 1200): The statement summarizes an email but does not verify the email's content.	☐ Sustained ☐ Overruled
9	of Firearms via e-mail, seeking clarification for our clients as to the meaning and scope of AB 962, including		
11 12	questions regarding which types of ammunition were regulated by sections 12060, 12061, and 12318.		
13 14		67. Relevance (§§ 350 & 351): Neither the statement nor the e-mail are relevant to any material issue in the case.	□ Sustained □ Overruled
<ul><li>15</li><li>16</li><li>17</li></ul>		68. Secondary Evidence Rule (Evid. Code, §§ 1521 & 1523, subd. (a)): Declarant is basing his statement on emails, which violates § 1523, subd. (a). None of the	☐ Sustained ☐ Overruled
18		exceptions of subdivisions (b) through (d) apply.	
19	Paragraph 5 (2:28-3:1-3): Counsel for DOJ Bureau of Firearms indicated that she	69. Hearsay (§ 1200): The statement summarizes communications between DOJ	☐ Sustained☐ Overruled☐
20	"did not know" and "could not say" whether DOJ Field	counsel and himself and no exceptions apply.	
22	Representatives would consider a certain caliber of ammunition "handgun		
23	ammunition," and that Defendant DOJ was unable to		
24	adopt a policy about which types of ammunition are handgun ammunition as it		
25	would be considered an illegal underground regulation.		
26	3	70. Relevance (§§ 350 & 351):: Neither the statement nor the e-mail	☐ Sustained☐ Overruled☐
27 28		are relevant to any material issue in the case.	- Overtured
- 1		17	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	Paragraph 9 (3:26-28): As a result of our clients continued	71. Hearsay (Evid. Code, § 1200): The statement summarizes	□ Sustained
3	inquiries about which	conversations between declarant's	☐ Overruled
4	ammunition would be	clients and declarant and DOJ and	,
	regulated by AB 962 and Defendant DOJ's inability to	declarant.	
5	provide any guidance on this		
6	issue, our office was unable to advise our clients as to how to		
7	comply with the new laws.		
		72. Lacks Foundation (§ 403): The declarant has not proffered any	☐ Sustained
8		preliminary evidence to lay the	☐ Overruled
9		foundation as to the whether he viewed any source(s) to provide	
10		guidance to the clients as to how to	
10		comply with the new laws., and has not satisfied any of the exceptions to	
11		section 403, subdivision (a). Also	
12		fails to disclose personal knowledge on which the statement is based.	· .
12		73. Relevance (§§ 350 & 351):	☐ Sustained
13		The statement is not relevant to any material issue in the case.	□ Overruled
14	7	•	
15	Paragraph 13 (4:13-15): On or about August 19, 2010, AB	74. Immaterial and Irrelevant (§§ 210, 350 & 351): The statement	☐ Sustained
1.0	2358 was amended to clarify	is irrelevant because AB2358 is not	☐ Overruled
16	AB 962 by including a list of ammunition calibers that	relevant to any material fact at issue in the case.	
17	would be considered handgun	m die edse.	
18	ammunition, but the bill ultimately failed to pass the		
	Senate.		
19		75. Secondary Evidence Rule	☐ Sustained
20		(Evid. Code, §§ 1521 & 1523, subd. (a)): The bill provides the best	☐ Overruled
21	Donosus h 14 (4.21.22).	evidence of its content.	
	Paragraph 14 (4:21-23): Plaintiffs believe that the	76. Relevance (§§ 350 & 351): Plaintiffs' purported belief is not	☐ Sustained ☐ Overruled
22	amendment to AB 2358 to	relevant to prove any fact of	Overruled
23	include a list of ammunition calibers was the result of	consequence in the action.	
24	Defendant DOJ's		
24	communications with Assemblyman de León's		
25	office regarding the merits of		
26	this suit and the vagueness of the challenged provisions.		
		77. Speculative: There is no	☐ Sustained
27	,	evidence presented to validate declarant's belief that AB 2358 was	☐ Overruled
28	·	18	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2		written due to communications between DOJ and Assemblyman De	
3		Leon's office. Because there is no information the statement is	
5		irrelevant. (People v. Morrison, supra, 34 Cal.4th 698, 711.)	
6		78. Lacks Foundation (§ 403): Declarant has not proffered any	<ul><li>☐ Sustained</li><li>☐ Overruled</li></ul>
7		foundational evidence of his personal knowledge regarding the reason for	
8		the introduction of AB 2358, or any communications between DOJ and Assemblyman de Leon's office, nor	
9		has he satisfied the exceptions to section 403, subdivision (a).	
	Paragraph 19 (6:1-3): On or	79. Secondary Evidence Rule	□ Sustained
10	about November 23, 2010,	(Evid. Code, §§ 1521 & 1523, subd.	□ Overruled
11	opposing counsel served on our office [Defendant's]	(a)): The interrogatory responses provide the best evidence of their	Overrunea
10	Response to Specially	content.	
12	Prepared Interrogatories, Set One. The special		
13	interrogatories and the		
14	responses relied upon in Plaintiff's motion are set forth		:
1 -	below.		
15	DECLADATION OF CLAYA	A DIZED	
16 .	DECLARATION OF CLAY I Paragraph 3 (2:11-13): I am	80. Conclusory: The declarant	5.0 1
17	responsible for determining	fails to explain how such policies are	<ul><li>☐ Sustained</li><li>☐ Overruled</li></ul>
1/	the policies of the Tehama	adopted or who might have input. (See	Overruled
18	County Sheriff's office, including a determination of	Kramer v. Barnes (1963) 212 Cal.App.2d 440, 446 ["Affidavits which	•
19	what ammunition is regulated	set forth only conclusions, opinions or	
	as "handgun ammunition"	ultimate facts are insufficient"].)	
20	under California Penal Code sections 12060, 12061, and		•
21	12318.		MARKET AND THE STREET
22		<b>81. Ambiguous:</b> The declarant fails to explain what sort of policy	☐ Sustained
		would apply to a determination of what	□ Overruled
23		ammunition is handgun ammunition and how that policy might be communicated	
24		to officers.	
		82. Lacks Foundation: The	☐ Sustained
25		declarant fails to proffer any preliminary evidence to lay the	☐ Overruled
26		foundation for his department's	
27		procedures for setting such policies, whether they are written or verbal, or	
		even what steps he might take in	
28		drafting the policy.	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	Paragraph 4 (2:14-18): I do not know what types of	83. Conclusory: Declaration which sets forth only conclusions,	☐ Sustained
3	ammunition are "principally for use in" a handgun. I also	opinions or, ultimate facts is	☐ Overruled
4	do not know which types of	insufficient. ( <i>Kramer v. Barnes</i> (1963) 212 Cal.App.2d 440, 446.)	
5	ammunition are exempt from these laws as ammunition		
6	"designed and intended to be used in 'antique firearms"		
7	manufactured before 1898, because many types of		
8	ammunition used in firearms manufactured before 1898 are		
9	also used in firearms manufactured after 1898.		
10		84. Inadmissible Opinion (§	☐ Sustained
	·	801) and Lacks Foundation (§ 403): The declarant has not proffered any	☐ Overruled
11		preliminary evidence to lay the	,
12		foundation that he attempted to search for guidance as to what	
13		ammunition is "principally for use in a handgun, and has not satisfied any	
14		of the exceptions to section 403, subdivision (a). Further, the declarant	. •
15		fails to state what steps, if any, he took to determine what ammunition is	
16		exempt as ammunition for antique weapons. (See <i>Taliaferro v</i> .	
17		Taliaferro (1962) 203 Cal.App.2d 649, 651 [failure to state facts upon	
18		which opinion is based may warrant disregard of opinion, especially	
19	D. 1.5 (2.10.20)	where it is self-serving].)	
20	Paragraph 5 (2:19-20): Without any further	85. Conclusory: Declaration which sets forth only conclusions,	☐ Sustained ☐ Overruled
21	guidelines as to what types of ammunition are "handgun	opinions or, ultimate facts is insufficient. (Kramer v. Barnes	_ 0 / 0.2.0.00
	ammunition" under Penal Code sections 12060, 12061,	(1963) 212 Cal.App.2d 440, 446.)	·
22	and 12318, I am unable to	,	
23	enforce these laws equitably because I do not know what		
24	types of ammunition are "handgun ammunition."		
25	•	86. Lacks Foundation (§ 403):	☐ Sustained
26		The declarant has not proffered any preliminary evidence to lay the	☐ Overruled
27		foundation that he attempted to	
28		research what ammunition might be considered "handgun ammunition,"	
		20	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2 3		and has not satisfied any of the exceptions to section 403, subdivision (a).	
4	ORIECTIONS TO DECLADA	ATION OF LARRY W. POTTERFIELD	
_	Paragraph 3 (2:11-12): I do	87. Conclusory: Declaration	□ Sustained
5	not know what ammunition is	which sets forth only conclusions,	☐ Sustained ☐ Overruled
6	"handgun ammunition" and	opinions or, ultimate facts is	□ Overrused
۱	thus subject to California	insufficient. (Kramer v. Barnes	
7	Penal Code sections 12060, 12061, and 12318.	(1963) 212 Cal.App.2d 440, 446.)	
8		88. Lacks Foundation (§ 403):	☐ Sustained
		The declarant has not proffered any preliminary evidence to lay the	□ Overruled
9		foundation that he attempted to	
10		research what ammunition might be	·
1		considered "handgun ammunition,"	
11		and has not satisfied any of the	
,		exceptions to section 403, subdivision (a).	
12	Paragraph 4 (2:13-15): I do	89. Conclusory: Declaration	☐ Sustained
13	not know what ammunition is	which sets forth only conclusions,	☐ Overruled
13	principally for use in a	opinions or, ultimate facts is	_ Overraica
14	handgun. Nor do I know of	insufficient. (Kramer v. Barnes	
,	any source from which I could determine what ammunition	(1963) 212 Cal.App.2d 440, 446.)	
15	suitable for use in both rifles		•
16	and handguns is principally		
-~	for use in a handgun, and	,	
17	which is not principally for		
10	use in a handgun.	90. Lacks Foundation (§ 403):	□ Sustained
18		The declarant has not proffered any	☐ Overruled
19		preliminary evidence to lay the	□ Overranea
		foundation that he attempted to	
20		research what ammunition might be	
21		suitable in both rifles and handguns,	
21		and has not satisfied any of the	
22		exceptions to section 403, subdivision	•
		(a).	
23			
24	Paragraph 5 (2:16-18): I	91. Conclusory: Declaration	☐ Sustained
24	also do not know which	which sets forth only conclusions,	☐ Overruled
25	ammunition is exempt from California Penal Code	opinions or, ultimate facts is insufficient. (Kramer v. Barnes	
	sections 12060, 12061, and	(1963) 212 Cal.App.2d 440, 446.)	
26	12318 as ammunition	11 -7 - 7	
27	"designed and intended to be		
41	used in 'antique firearms'" manufactured before 1898	_	
28	intaliaractured before 1070 [	21	

1 2	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
~			
3		92. Lacks Foundation (§ 403):	☐ Sustained
	·	The declarant has not proffered any	☐ Overruled
4		preliminary evidence to lay the	
	·	foundation that he attempted to	
5	•	research what ammunition might be	
`.	,	exempt from California Penal Code	
6		sections 12060, 12061, and 12318,	·
		and has not satisfied any of the exceptions to section 403, subdivision	
7		(a).	
	Paragraph 7 (3:1-4):	93. Relevance (§§ 350 & 351):	00 . 1
8	Because I do not know what	The fact that Midway Arms, Inc. will	☐ Sustained
1	"handgun ammunition" is	"cease to ship all ammunition" is not	☐ Overruled
9	under California Penal Code	relevant to any material issue in the	
	sections 12060, 1261, and	case.	
10	12318, Midway Arms, Inc.		
	(dba Midway USA), Inc. will		•
11	cease shipping all ammunition		
12	to non-exempt California		
12	customers beginning February		• ,
12	1, 2011 to avoid risking		
13	criminal prosecution under		
14	California Penal Code section		
14	12318.		, :
15		94. Lacks Foundation (§ 403):	☐ Sustained
	·	The declarant has not proffered any	□ Overruled
16	·	preliminary evidence to lay the	
	·	foundation that he will be prosecuted,	
17		and has not satisfied any of the	
		exceptions to section 403, subdivision	•
18	· ·	(a).  95. Conclusory: Declaration	
		95. Conclusory: Declaration which sets forth only conclusions,	☐ Sustained
19		opinions or, ultimate facts is	☐ Overruled
		insufficient. (Kramer v. Barnes	
20		(1963) 212 Cal.App.2d 440, 446.)	
_		(1703) 212 Out.11pp.24 770, 770.)	
21	OD TE CETONS TO THE	A MILON OF CORP.	
, l		ATION OF STEVEN STONECIPHER	·····
22	Paragraph 3 (2:8-9): I do	96. Conclusory: Declaration	☐ Sustained
72	not know what ammunition is	which sets forth only conclusions,	☐ Overruled
2.3	"handgun ammunition" and	opinions or, ultimate facts is	'
24	thus subject to California	insufficient. (Kramer v. Barnes	
∠ <del>+</del> ∥	Penal Code sections 12060,	(1963) 212 Cal.App.2d 440, 446.)	
25	12061, and 12318.		
دے			
26		·	
		97. Lacks Foundation (§ 403):	□ C4-'- 1
27	·	The declarant has not proffered any	☐ Sustained
1		preliminary evidence to lay the	☐ Overruled
28		foundation that he attempted to	
- 1			····

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2   3		research what ammunition might be considered "handgun ammunition,"	
4	,	and has not satisfied any of the exceptions to section 403, subdivision (a).	
5	Paragraph 4 (2:10-12): I do not know what ammunition is	98. Conclusory: Declaration which sets forth only conclusions,	□ Sustained
6	principally for use in a handgun. Nor do I know of	opinions or, ultimate facts is insufficient. (Kramer v. Barnes	□ Overruled
7	any source from which I could determine what ammunition	(1963) 212 Cal.App.2d 440, 446.)	
8	suitable for use in both rifles		
9	and handguns is principally for use in a handgun, and		
10	which is not principally for use in a handgun.	00 7 1 7 1 (0 (0 0	
11		99. Lacks Foundation (§ 403): The declarant has not proffered any	☐ Sustained ☐ Overruled
12		preliminary evidence to lay the foundation that he attempted to	
13		research what ammunition might be suitable in both rifles and handguns,	
14		and has not satisfied any of the exceptions to section 403, subdivision	
1	Paragraph 5 (2:13-16): I	(a) 100. Conclusory: Declaration	□ Sustained
15	also do not know which ammunition is exempt from	which sets forth only conclusions, opinions or, ultimate facts is	☐ Overruled.
16	California Penal Code sections 12060, 12061, and	insufficient. ( <i>Kramer v. Barnes</i> (1963) 212 Cal. App.2d 440, 446.)	
17	12318 as ammunition "designed and intended to be	(1703) 212 Cal. App. 20 440.)	
18	used in 'antique firearms'" manufactured before 1898		
19	because many cartridges used		
20	in firearms manufactured before 1898 are also use din		
21	firearms manufactured after 1898.	101	
22		101. Inadmissible Opinion (§ 801) and Lacks Foundation (§ 403):	☐ Sustained ——☐ Overruled
23		The declarant has not proffered any preliminary evidence to lay the	* * *
24		foundation that he attempted to search for guidance as to what	
25		ammunition is "principally for use in a handgun, and has not satisfied any	,
26		of the exceptions to section 403, subdivision (a). Further, the declarant	
27		fails to state the basis for the opinion regarding antique weapons	
28		manufactured before 1898 being used 23	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	ODJECTED IO	in firearms manufactured after 1898.	KULING
3		(See Taliaferro v. Taliaferro (1962)	
		203 Cal.App.2d 649, 651 [failure to state facts upon which opinion is	
4		based may warrant disregard of	
5		opinion, especially where it is self- serving].)	
6	Paragraph 6 (2:17-22): Because I do not know what	102. Conclusory: Declaration which sets forth only conclusions,	☐ Sustained☐ Overruled
7	ammunition is "handgun ammunition" under California	opinions or, ultimate facts is insufficient. (Kramer v. Barnes	Overruled
8	Penal Code sections 12060, 12061, and 12318, I fear that I	(1963) 212 Cal.App.2d 440, 446.)	
9	will be prosecuted for unknowingly violating those		
10	statues. For example, I fear prosecution under Penal Code		
11	section 12318 if I ship to a non-exempt California		
12	resident any ammunition that law enforcement deems		
13	"handgun ammunition" even though I do not know what		
14	ammunition is "handgun ammunition" nor what		,
15	ammunition law enforcement will consider "handgun		
16	ammunition" under these laws.		
17		103. Lacks Foundation (§ 403): The declarant has not proffered any	☐ Sustained
18		preliminary evidence to lay the	□ Overruled
19		foundation that he will be prosecuted, and has not satisfied any of the	·
		exceptions to section 403, subdivision (a).	
20		104. Speculative: The declarant does not present any evidence,	□ Sustained
21	,	besides his "fear," to substantiate that	□ Overruled
22		he will be prosecuted. Because there is no evidence, the testimony is	
23		speculative. ( <i>People v. Morrison</i> , supra, 34 Cal.4th 698, 711.)	
24			
25			
26			
27			
28	L		

1 2	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
3	OBJECTIONS TO DECLARA	ATION OF MICHAEL TENNY	
4	Paragraph 3 (1:10-11): I do not know what ammunition is "handgun ammunition" and thus subject to California	105. Conclusory: Declaration which sets forth only conclusions, opinions or, ultimate facts is insufficient. (Kramer v. Barnes	☐ Sustained ☐ Overruled
6	Penal code sections 12060, 12061, and 12318.	(1963) 212 Cal.App.2d 440, 446.)	
7	·	106. Lacks Foundation (§ 403): The declarant has not proffered any preliminary evidence to lay the	☐ Sustained ☐ Overruled
8		foundation that he attempted to research what ammunition might be	
9		considered "handgun ammunition," and has not satisfied any of the exceptions to section 403, subdivision	
10	Payagraph 4 (1:12 14). I do	(a).	
11	Paragraph 4 (1:12-14): I do not know what ammunition is principally for use in a	107. Conclusory: Declaration which sets forth only conclusions, opinions or, ultimate facts is	☐ Sustained☐ Overruled☐
12 13	handgun. Nor do I know of any source from which I could	insufficient. (Kramer v. Barnes (1963) 212 Cal.App.2d 440, 446.)	
14	determine what ammunition suitable for use in both rifles		
15	and handguns is principally for use in a handgun, and		
16	which is not principally for use in a handgun.		·
17		108. Lacks Foundation (§ 403): The declarant has not proffered any preliminary evidence to lay the	☐ Sustained☐ Overruled☐
18		foundation that he attempted to research what ammunition might be	
19		suitable in both rifles and handguns, and has not satisfied any of the	
20		exceptions to section 403, subdivision (a).	
21	Paragraph 5 (1:15-19): I also do not know which	109. Conclusory: Declaration which sets forth only conclusions,	☐ Sustained☐ Overruled☐
22	ammunition is exempt from California Penal Code	opinions or, ultimate facts is insufficient. (Kramer v. Barnes	
23	sections 12060, 12061, and 12318 as ammunition "designed and intended to be	(1963) 212 Cal.App.2d 440, 446.)	
24   25	used in 'antique firearms'" manufactured before 1898,		
26	because many cartridges of ammunition used in firearms		
27	manufactured before 1898 are also used in firearms		
28	manufactured after 1898 including cartridges sold by	25	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	CTD, Inc.		
3	,	110. Lacks Foundation (§ 403): The declarant has not proffered any preliminary evidence to lay the	☐ Sustained ☐ Overruled
5		foundation that he attempted to search for guidance as to what ammunition is "principally for use in	
6		a handgun, and has not satisfied any of the exceptions to section 403,	
7	D	subdivision (a).	
8	Paragraph 7 (2:1-4): Because I do not know what	111. Relevance (§§ 350 & 351): The fact that CTD, Inc. will "cease to	☐ Sustained☐ Overruled
9	"handgun ammunition" is under California Penal Code	ship all ammunition to non-exempt California customers" is not relevant	
10	sections 12060, 12061, and 12318, CTD, Inc. will cease	to any material issue in the case. It is a business decision.	
11	shipping all ammunition to non-exempt California	, , , , , , , , , , , , , , , , , , ,	•
12	customers beginning January 1, 2011 to avoid risking		
13	criminal prosecution under California Penal Code section 12318.		
14		112. Lacks Foundation (§ 403): The declarant has not proffered any	☐ Sustained
15		preliminary evidence to lay the foundation that he will be prosecuted,	□ Overruled
16		and has not satisfied any of the exceptions to section 403, subdivision	
17	1	(a).	
18		113. Conclusory: Declaration which sets forth only conclusions,	☐ Sustained☐ Overruled☐
19		opinions or, ultimate facts is insufficient. (Kramer v. Barnes	. Overranda
		(1963) 212 Cal.App.2d 440, 446.)	
20		ATION OF RANDY WRIGHT	
21	Paragraph 3 (2:11-12): I do	114. Conclusory: Declaration	☐ Sustained
22	not know what ammunition is "handgun ammunition" and	which sets forth only conclusions, opinions or, ultimate facts is	· □ Overruled
	thus subject to California	insufficient. (Kramer v. Barnes	
23	Penal Code sections 12060, 12061, and 12318.	(1963) 212 Cal.App.2d 440, 446.)	·
24		115. Lacks Foundation (§ 403): The declarant has not proffered any	<ul><li>☐ Sustained</li><li>☐ Overruled</li></ul>
25		preliminary evidence to lay the foundation that he attempted to	
26		research what ammunition might be considered "handgun ammunition,"	
27		and has not satisfied any of the exceptions to section 403, subdivision	
28		(a).	
		26	

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	Paragraph 4 (2:14-15): I do	116. Conclusory: Declaration	☐ Sustained
.3	not know what ammunition is principally for use in a	which sets forth only conclusions, opinions or, ultimate facts is	□ Overruled
4	handgun. Nor do I know of any source from which I could determine what ammunition	insufficient. ( <i>Kramer v. Barnes</i> (1963) 212 Cal.App.2d 440, 446.)	
5	suitable for use in both rifles and handguns is principally		
6	for use in a handgun, and which is not principally for		•
7	use in a handgun.	117. Lacks Foundation (§ 403):	
8		117. Lacks Foundation (§ 403): The declarant has not proffered any preliminary evidence to lay the	<ul><li>☐ Sustained</li><li>☐ Overruled</li></ul>
9		foundation that he attempted to research what ammunition might be	
10		suitable in both rifles and handguns, and has not satisfied any of the	
11		exceptions to section 403, subdivision (a).	
12	Paragraph 5 (2:16-20): I also do not know which	118. Conclusory: Declaration which sets forth only conclusions,	☐ Sustained
13	ammunition is exempt from California Penal Code	opinions or, ultimate facts is insufficient. (Kramer v. Barnes	☐ Overruled
14	sections 120601, 12061, and 12318 as ammunition	(1963) 212 Cal.App.2d 440, 446.)	
15	"designed and intended to be		
16	used in 'antique firearms'" manufactured before 1898,		
17	because many cartridges of ammunition used in firearms		
18	manufactured before 1898 are also used in firearms		
19	manufactured after 1898, including cartridges soled by	. •	
20	Able's Sporting, Inc.	119. Lacks Foundation (§ 403):	□ Sustained
21		The declarant has not proffered any preliminary evidence to lay the	□ Overruled
22		foundation that he attempted to search for guidance as to what	
23		ammunition is "principally for use in a handgun, and has not satisfied any	
24		of the exceptions to section 403, subdivision (a).	•
25	Paragraph 7 (3:1-6): Because I do not know what	120. Conclusory: Declaration which sets forth only conclusions,	☐ Sustained
26	ammunition is "handgun ammunition" under California	opinions or, ultimate facts is insufficient. (Kramer v. Barnes	□ Overruled
27	Penal Code sections 12060, 12061, and 12318, I fear that I	(1963) 212 Cal.App.2d 440, 446.)	
28	will be prosecuted for		

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	unknowingly violating these statutes. For example, I fear		
3	prosecution under Penal Code		
4	section 12318 if I ship to non- exempt California resident		
5	any ammunition that law enforcement deems 'handgun		t
6	ammunition" even though I do		
	not know what ammunition is "handgun ammunition" nor		
7	what ammunition law enforcement will consider	•	•
8	"handgun ammunition" under		
9	these laws.	121. Speculative: The declarant	☐ Sustained
		does not present any evidence,	☐ Sustained☐ Overruled
10	·	besides his purported "fear," to	□ Overrured
11		substantiate that he will be	
		prosecuted. Because there is no	
12		evidence, the testimony is	
13		speculative. (People v. Morrison	
	·	(2004) 34 Cal.4th 698, 711 [evidence	
14		is "irrelevant" if it leads only to speculative inferences].)	
15		122. Lacks Foundation (§ 403):	□ Sustained
		The declarant has not proffered any	□ Overruled
16		preliminary evidence to lay the	□ Overrured
17		foundation that he will be prosecuted,	e .
17		or even why he fears prosecution and	
18		has not satisfied any of the exceptions	
10		to section 403, subdivision (a).	
19	ODJECTIONS TO DI AINTI	ees; exhience in cuidoopt of Mod	TON FOD
20		FFS' EVIDENCE IN SUPPORT OF MOT R IN THE ALTERNATIVE FOR SUMMA	
21	ADJUDICATION/TRIAL		
21	Exhibit 2: Assembly Bill	123. Relevance (§§ 350 & 351):	☐ Sustained
22	2358 (2010) as Amended by	AB 2358 removed the "principally	☐ Overruled
	Senate August 19, 2010.	for use" language in Penal Code	
23		§ 12323 (a) and is therefore	
24		irrelevant to any material issue in this	
		case, which involves a challenge to the existing definition in that section.	
25	Exhibit 3: Assembly Bill	124. Relevance (§§ 350 & 351):	☐ Sustained
26	2358 as Amended by Senate	AB 2358 removed the "principally	☐ Overruled
_	August 30, 2010.	for use" standard in Penal Code	
27.		§ 12323 (a) and is therefore	
28		irrelevant to any material issue	
ں 2		28	

l .		
EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
OBOLETED 10	before the court.	ROBING
Exhibit 4: Complete Bill History, A.B. 2358 (2010)	125. Relevance (§§ 350 & 351): AB 2358 removed the "principally for use" standard in Penal Code,	☐ Sustained ☐ Overruled
	irrelevant to any material issue	
	also has no bearing on the interpretation or meaning of AB962	
Evhibit 5. Legislative		
History Report and Analysis Re: Senate Bill 1276 (Hart- 1994).	The legislative history of SB1276 is not relevant to prove any material	☐ Sustained ☐ Overruled
		<b>.</b>
	failed sixteen years ago and does not provide any relevant information that	
	will either prove or disprove any material fact in this case.	
	The legislative history of SB1276	
	also has no bearing on the interpretation or meaning of AB962	
Exhibit 6: Public Records	127. Hearsay (§ 1200): The	☐ Sustained
Department of Justice Re:	Public Records Act request is a written statement made by an	□ Overruled
December 16, 2009.	individual within the plaintiffs' counsel's firm offered for the truth of	
	the matter asserted with no showing that a hearsay exception applies.	
Exhibit 7: Defendant Department of Justice Response to Public Records	128. Hearsay (§ 1200): The response letter from the Department of Justice and the email enclosures	☐ Sustained ☐ Overruled
Act Request and Relevant Email Enclosures, dated	are all written statements made out of	
January 25, 2010.	truth of the matter asserted with no	,
H 1940 B 11 B	applies.	
	129. Hearsay (§ 1200): The	☐ Sustained
Department of Justice Re: Assembly Bill 962, dated July	written statement made by an individual within the plaintiffs'	□ Overruled
	29	
	Exhibit 4: Complete Bill History, A.B. 2358 (2010)  Exhibit 5: Legislative History Report and Analysis Re: Senate Bill 1276 (Hart-1994).  Exhibit 6: Public Records Act Request Sent to California Department of Justice Re: Assembly Bill 962, dated December 16, 2009.  Exhibit 7: Defendant Department of Justice Response to Public Records Act Request and Relevant Email Enclosures, dated January 25, 2010.  Exhibit 9: Public Records Act Request Sent to California Department of Justice Re:	before the court.  Exhibit 4: Complete Bill History, A.B. 2358 (2010)  Before the court.  125. Relevance (§§ 350 & 351): AB 2358 removed the "principally for use" standard in Penal Code, § 12323 (a) and is therefore irrelevant to any material issue before the court.  The legislative history of AB2358 also has no bearing on the interpretation or meaning of AB962 and is therefore irrelevant.  Exhibit 5: Legislative History Report and Analysis Re: Senate Bill 1276 (Hart-1994).  Exhibit 6: Public Records Act Request Sent to California Department of Justice Re: Assembly Bill 962, dated December 16, 2009.  Exhibit 7: Defendant Department of Justice Response to Public Records Act Request and Relevant Email Enclosures, dated January 25, 2010.  Exhibit 7: Defendant Department of Justice Response to Public Records Act Request and Relevant Email Enclosures, dated January 25, 2010.  Exhibit 9: Public Records Act Request sent to California Department of Justice Response to Public Records Act Request sent to California Department of Justice Response to Public Records Act Request sent to California Department of Justice Response to Public Records Act Request sent to California Department of Justice Response to Public Records Act Request sent to California Department of Justice Response to Public Records Act Request Sent to California Department of Justice Response Sent Sent Sent Sent Sent

1	EVIDENCE OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
2	3332322	counsel's firm with no showing that	
3	•	a hearsay exception applies	
	Exhibit 10: California	130. Hearsay (§ 1200): The	☐ Sustained
4	Department of Justice's Response to Public Records	response letter from the Department	□ Overruled
5	Act Request, dated August 9,	of Justice is a written statement made	
۱	2010.	out of court and are being offered for the truth of the matter asserted.	
6		131. Relevance (§§ 350 & 351):	□ Sustained
7		The Department of Justice's response	☐ Overruled
· /		is not relevant to prove or disprove	□ Overrureu
8		any material issue in this case.	
	Exhibit 49: Midway U.S.A.	132. Hearsay (§ 1200): The	☐ Sustained
9	2011 Catalog Page with Disclaimer Re: Sale of Ammo	catalog is a written statement made	□ Overruled
10	in California.	out of court by the Midway company	
		and is being offered for the truth of	
11		the matter asserted with no showing	
12	Exhibit 50: Cheaper Than	that a hearsay exception applies.	
12	Dirt 2011 Catalog Page with	133. Hearsay (§ 1200): The catalog is a written statement made	☐ Sustained
13	Disclaimer Re: Sale of Ammo	out of court by the Cheaper Than	□ Overruled
1.4	in California.	Dirt company and is being offered	
14		for the truth of the matter asserted,	
15		i.e., that the company intends to stop	
1.		shipping ammunition to California,	
16		with no showing that a hearsay	
17		exception applies.	
10			
18	Dated: January 3, 2011	Respectfully Submitted,	
19	Dated. Sandary 5, 2011	Respectivity Submitted.	·
20		KAMALA D. HARRIS	l: C: -
20		Attorney General of Cal ZACKERY P. MORAZZINI	
21		Supervising Deputy Att	
		Kimberly Graham	·
22		Deputy Attorney Gener	al
23			
		relate	
24		PETER A. KRAUSE	<sub>~</sub> 1
25		Deputy Attorney General Attorneys for Defendant	
~~		State of California, Edn	und G. Brown Jr.,
26	GA 2010101624	and the California Depo	artment of Justice
27	SA2010101624		
- '			
28		20	
	Defendants? Objections To Frid	30	:cc-? Nation Con Com-

1	ORDER		
2	The Court, having considered the foregoing objections to the declarations and evidence		
3	filed in support of Plaintiffs' Motion for Summary Judgment or, in the Alternative, Summary		
4	Adjudication /Trial Brief, hereby rules as indicated on each of the State's objections.		
5	IT IS SO ORDERED.		
6	Dated: January, 2011		
7	Honorable Jeffrey Y. Hamilton		
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## DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name:

Sheriff Clay Parker, et al. v. The State of California

No.:

10CECG02116

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar. at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On January 3, 2011, I served the attached

DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE SUMMARY ADJUDICATION/TRIAL BRIEF

DECLARATION OF KIMBERLY J. GRAHAM IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY ADJUDICATION/TRIAL BRIEF

DECLARATION OF PETER A. KRAUSE IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY ADJUDICATION/TRIAL BRIEF

DECLARATION OF BLAKE GRAHAM IN SUPPORT OF THE STATE'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF

DEFENDANTS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF; DECLARATION OF PETER A. KRAUSE IN SUPPORT THEREOF

DEFENDANTS' EVIDENCE IN SUPPORT OF OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE SUMMARY ADJUDICATION/TRIAL BRIEF

- (1) DEFENDANTS' RESPONSE TO SEPARATE STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE SUMMARY ADJUDICATION / TRIAL BRIEF; and (2) SUPPLEMENTAL STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF OPPOSITION TO PLAINTIFFS' MOTION
- (1) DEFENDANTS' OBJECTIONS TO EVIDENCE AND DECLARATIONS SUBMITTED IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF; (2) [PROPOSED] ORDER THEREON
- (1) DEFENDANTS' OBJECTIONS TO PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION/TRIAL BRIEF; (2) [PROPOSED] ORDER THEREON

by placing a true copy thereof enclosed in a sealed envelope with the Golden State Overnight courier service, addressed as follows:

C.D. Michel Clint B. Monfort Sean A. Brady Michel & Associates, P.C. 180 E. Ocean Boulevard, Suite 200 Long Beach, CA 90802

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 3, 2011, at Sacramento, California. Brenda Apodaca

Declarant