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*Attorneys for Defendants and Respondents*  
9 *State of California, Edmund G. Brown Jr., and the*  
*California Department of Justice*

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF FRESNO

14  
15 **SHERIFF CLAY PARKER, et al.,**  
16 Plaintiffs and Petitioners,  
17  
18 v.  
19 **THE STATE OF CALIFORNIA; et al.,**  
20 Defendants and  
21 Respondents.

Case No. 10CECG02116

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

Date: January 18, 2011  
Time: 8:30 a.m.  
Dept: 402  
Judge: Hon. Jeff Hamilton

Action Filed: June 17, 2010

**DECLARATION OF PETER A. KRAUSE**

I, Peter A. Krause, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of California. I am a Deputy Attorney General in the Office of the Attorney General, counsel for defendants and respondents the State of California, Edmund G. Brown Jr. (sued erroneously as "Jerry Brown"), and the California Department of Justice (collectively, the "State") in this action. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, could and would testify competently thereto.

2. Attached as **Exhibits "B" & "C"** to the Defendants' Compendium of Evidence in Support of Defendants' Opposition to Plaintiffs' Motion for Summary Judgment or in the Alternative Summary Adjudication/Trial Brief, is a true and correct copy of excerpts from the certified transcripts of deposition of Blake Graham, taken on December 1, 2010 and December 2, 2010. I was present in the room when the depositions were taken and can state that the transcript accurately reflects the testimony provided.

3. Attached as **Exhibit "D"** to the Defendants' Compendium of Evidence in Support of Defendants' Opposition to Plaintiffs' Motion for Summary Judgment or in the Alternative Summary Adjudication/Trial Brief, is a true and correct copy of excerpts from the certified copy of the transcript of deposition of Stephen Helsley, taken on December 16, 2010. I was present in the room when the depositions were taken and can state that the transcript accurately reflects the testimony provided.

4. Attached as **Exhibit "E"** to the Defendants' Compendium of Evidence in Support of Defendants' Opposition to Plaintiffs' Motion for Summary Judgment or in the Alternative Summary Adjudication/Trial Brief, is a true and correct copy of excerpts from the certified copy of the transcript of deposition of Clay Parker, taken on December 21, 2010. I was present in the room when the depositions were taken and can state that the transcript accurately reflects the testimony provided.

5. Attached as **Exhibit "I"** to the Defendants' Compendium of Evidence in Support of Defendants' Opposition to Plaintiffs' Motion for Summary Judgment or in the Alternative

1 Summary Adjudication/Trial Brief, is a true and correct copy of excerpts from *Cartridges of the*  
2 *World*, 12th ed., 2009: Table of Rifle Cartridges, Table of Pistol and Revolver Cartridges.

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct.



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6 PETER A. KRAUSE  
7 Deputy Attorney General  
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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**

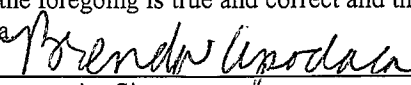
by placing a true copy thereof enclosed in a sealed envelope with the Golden State Overnight courier service, addressed as follows:

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

  
Signature