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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO
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11 SHERIFF CLAY PARKER, TEHAMA)	CASE NO. 10CECG02116
12 COUNTY SHERIFF; HERB BAUER)	
13 SPORTING GOODS; CALIFORNIA RIFLE	)	DECLARATION OF MICHAEL TENNY
14 AND PISTOL ASSOCIATION	)	IN SUPPORT OF MOTION FOR
15 FOUNDATION; ABLE'S SPORTING,	)	SUMMARY JUDGMENT OR IN THE
16 INC.; RTG SPORTING COLLECTIBLES,	)	ALTERNATIVE FOR SUMMARY
17 LLC; AND STEVEN STONECIPHER,	)	ADJUDICATION AND TRIAL
18)	
19 Plaintiffs and Petitioners,	)	Date: January 18, 2011
20	)	Time: 8:30 a.m.
21 vs.	)	Location: Dept. 402
22	)	Judge: Hon. Jeffrey Y. Hamilton
23 THE STATE OF CALIFORNIA; JERRY)	
24 BROWN, IN HIS OFFICIAL CAPACITY	)	Action Filed: June 17, 2010
25 AS ATTORNEY GENERAL FOR THE)	:
26 STATE OF CALIFORNIA; THE)	
27 CALIFORNIA DEPARTMENT OF)	
28 JUSTICE; and DOES 1-25,)	
)	
)	
Defendants and Respondents.)	

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DECLARATION OF MICHAEL TENNY

I, Michael Tenny, declare as follows:

1. I am the Chief Executive Officer of CTD, Inc. a Texas corporation that sells and ships a variety of ammunition suitable for use in both handguns and rifles directly to California residents.

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

3. I do not know what ammunition is “handgun ammunition” and thus subject to California Penal Code sections 12060, 12061, and 12318.

4. I do not know what ammunition is principally for use in a handgun. Nor do I know of any source from which I could determine what ammunition suitable for use in both rifles and handguns is principally for use in a handgun, and which is not principally for use in a handgun.

5. I also do not know which ammunition is exempt from California Penal Code sections 12060, 12061, and 12318 as ammunition “designed and intended to be used in ‘antique firearms’” manufactured before 1898, because many cartridges of ammunition used in firearms manufactured before 1898 are also used in firearms manufactured after 1898, including cartridges sold by CTD, Inc.

6. Ammunition sales to California usually account for a significant portion of the profit made by CTD, Inc. For that reason, I would like to continue selling ammunition to California residents, even if the provisions of California Penal Code sections 12061 and 12318 set to take effect on February 1, 2011 do in fact take effect; but I do not know what ammunition I will be able to ship into California, because I do not know what ammunition is “handgun ammunition” under California Penal Code sections 12060, 12061, and 12318.


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7. Because I do not know what "handgun ammunition" is under California Penal Code sections 12060, 12061, and 12318, CTD, Inc. will cease shipping all ammunition to non-exempt California customers beginning January 1, 2011 to avoid risking criminal prosecution under California Penal Code section 12318.

8. CTD, Inc.'s policy to cease shipments of all ammunition to California beginning January 1, 2011, is printed in our most recent sales catalog. A true and accurate copy of a page from the most recent CTD, Inc. sales catalog that includes CTD, Inc.'s new policy is attached hereto as Exhibit "49."

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

Dated: November 30, 2010


Michael Tenny
CEO, CTD, Inc.

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PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF FRESNO

I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County, 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.

On December 6, 2010, I served the foregoing document(s) described as

**DECLARATION OF MICHAEL TENNY IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT OR IN THE ALTERNATIVE FOR
SUMMARY ADJUDICATION AND TRIAL**

on the interested parties in this action by placing

☐ the original

☒ a true and correct copy

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

Edmund G. Brown, Jr.
Attorney General of California
Zackery P. Morazzini
Supervising Deputy Attorney General
Peter A. Krause
Deputy Attorney General (185098)
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

— (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and 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, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.

Executed on December 6, 2010, at Long Beach, California.

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

Executed on December 6, 2010, at Long Beach, California.

X (VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance with ordinary business practices.

Executed on December 6, 2010, at Long Beach, California.

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

CLAUDIA AYALA