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FILED
DEC 07 2010
FRESNO COUNTY SUPERIOR COURT
By _____

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

10
11 SHERIFF CLAY PARKER, TEHAMA) CASE NO. 10CECG02116
COUNTY SHERIFF; HERB BAUER)
12 SPORTING GOODS; CALIFORNIA RIFLE) **DECLARATION OF RANDY WRIGHT**
AND PISTOL ASSOCIATION) **IN SUPPORT OF MOTION FOR**
13 FOUNDATION; ABLE'S SPORTING,) **SUMMARY JUDGMENT OR IN THE**
INC.; RTG SPORTING COLLECTIBLES,) **ALTERNATIVE FOR SUMMARY**
14 LLC; AND STEVEN STONECIPHER,) **ADJUDICATION AND TRIAL**

15 Plaintiffs and Petitioners,

16 vs.

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

21 Defendants and Respondents.
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) Date: January 18, 2011
) Time: 8:30 a.m.
) Location: Dept. 402
) Judge: Hon. Jeffrey Y. Hamilton

) Action Filed: June 17, 2010

DECLARATION OF RANDY WRIGHT

I, Randy Wright, declare as follows:

1. I am the President of Able's Sporting, Inc., a Texas corporation that sells and ships a variety of ammunition that can be used interchangeably between handguns and rifles directly to California residents.

2. As President, I am responsible for determining the policies and operating procedures of Able's Sporting, Inc. In doing so, I am responsible for ensuring compliance with all applicable laws in the locations from which, and to which, Able's Sporting, 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 Able's Sporting, Inc.

6. Ammunition sales to California usually account for a significant portion of the profit made by Able's Sporting, 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.

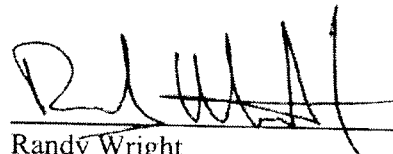
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1 7. Because I do not know what ammunition is "handgun ammunition" under
2 California Penal Code sections 12060, 12061, and 12318, I fear that I will be prosecuted for
3 unknowingly violating those statutes. For example, I fear prosecution under Penal Code section
4 12318 if I ship to a non-exempt California resident any ammunition that law enforcement deems
5 "handgun ammunition" even though I do not know what ammunition is "handgun ammunition"
6 nor what ammunition law enforcement will consider "handgun ammunition" under these laws.
7

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

10
11 Dated: November 29, 2010



Randy Wright
President, Able's Sporting, Inc.

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 RANDY WRIGHT 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
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.

☒ (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.

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

CLAUDIA AYALA