

FILED

DEC 07 2010

FRESNO COUNTY SUPERIOR COURT
By _____

C. D. Michel - SBN 144258
Clinton B. Monfort - SBN 255609
Sean A. Brady - SBN 262007
MICHEL & ASSOCIATES, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Fax: (562) 216-4445
cmichel@michellawyers.com

Attorneys for Plaintiffs/Petitioners

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO

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

Plaintiffs and Petitioners,

vs.

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

Defendants and Respondents.

Date: January 18, 2011
Time: 8:30 a.m.
Location: Dept. 402
Judge: Hon. Jeff Hamilton
Date Action Filed: June 17, 2010

DECLARATION OF TOM ALLMAN

I, Tom Allman, declare as follows:

1. I am the duly elected Sheriff-Coroner for the County of Mendocino, California. I have been a law enforcement officer since 1980. I was originally elected Sheriff-Coroner of Mendocino County in 2006, and have been reelected to that position once. I am a member of both the California Narcotics Officers Association and the California State Sheriffs Association.

2. I am responsible for enforcing federal, state, and local laws within the County of Mendocino, California, including Penal Code sections 12060, 12061, and 12318.

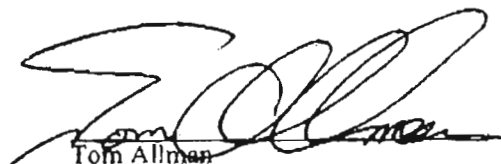
3. I am responsible for determining the policies of the Mendocino County Sheriff-Coroner's Department, including a determination of what ammunition is regulated as "handgun ammunition" under California Penal Code sections 12060, 12061, and 12318.

4. I do not know what ammunition is "principally for use in" a handgun. I also do not know what ammunition is exempt from these laws 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.

5. 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."

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

Dated: December 2, 2010



Tom Allman
Sheriff-Coroner, Mendocino County

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 TOM ALLMAN, MENDOCINO COUNTY
SHERIFF-CORONER 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