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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 ESPANOLA JACKSON, PAUL COLVIN,) CASE NO. C09-2143 RS
THOMAS BOYER, LARRY BARSETTI,)
12 DAVID GOLDEN, NOEMI MARGARET) **DECLARATION OF LARRY P. BARSETTI**
ROBINSON, NATIONAL RIFLE) **IN SUPPORT OF MOTION FOR**
13 ASSOCIATION OF AMERICA, INC. ,SAN) **PRELIMINARY INJUNCTION**
FRANCISCO VETERAN POLICE)
14 OFFICERS ASSOCIATION,)

15 Plaintiffs)

16 vs.)

17 CITY AND COUNTY OF SAN)
FRANCISCO, THE MAYOR OF SAN)
18 FRANCISCO, AND THE CHIEF OF THE)
SAN FRANCISCO POLICE)
19 DEPARTMENT, in their official capacities,)
and DOES 1-10,)

20 Defendants.)
21

DECLARATION OF LARRY P. BARSETTI

1
2 1. I, Larry Barsetti, am a plaintiff in this case. I make this declaration of my own personal
3 knowledge and, if called as a witness, I could and would testify competently to the truth of the
4 matters set forth herein.

5 2. I am a resident of the City and County of San Francisco.

6 3. I am a law-abiding adult who is not prohibited from owning firearms under the laws of
7 the United States and the state of California.

8 4. I presently own at least one lawfully acquired and possessed handgun that I keep in my
9 home for self-defense purposes.

10 5. In accordance with San Francisco Police Code section 4512, my handgun is currently
11 stored in a large, combination-locked safe at all times when not carried on my person. I presently
12 want to store my handgun unlocked and operable for immediate self-defense and, but for section
13 4512, I would not store my handgun in a locked container at all times. If this court declares
14 section 4512 invalid or otherwise enjoins its enforcement, I would keep my handgun operable
15 within my home, i.e., not disabled by a trigger lock or stored in a locked container.

16 6. San Francisco Police Code section 4512 requires that I keep my handgun in a locked
17 container or disabled by a trigger lock at all times when not carried on my person. It is impractical
18 and dangerous to keep a loaded firearm attached to my body while I sleep.

19 7. San Francisco Police Code section 4512 seriously impedes my ability to immediately
20 access an operable firearm for self-defense in my home.

21 8. Because San Francisco Police Code section 4512 requires me to store my handgun in a
22 locked safe or disabled with a trigger lock at all times when not carried on my person, I am
23 currently, and will continue to be, irreparably harmed by the ongoing deprivation of my
24 individual, fundamental right to keep an unlocked and loaded firearm in my home for self-defense
25 purposes.

26 9. Because San Francisco Police Code section 4512 requires me to store my handgun in a
27 locked safe or disabled with a trigger lock at all times when not carried on my person, I am
28 currently, and will continue to be, irreparably harmed by the ongoing deprivation of my

1 individual, fundamental right to have an operable firearm available for self-defense in my home.

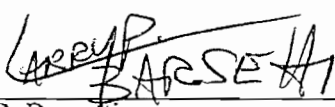
2 10. But for San Francisco Police Code section 613.10(g), I presently intend to purchase
3 expanding and fragmenting ammunition that is currently prohibited from sale and purchase under
4 section 613.10(g) within the City and County of San Francisco from a licensed firearms and/or
5 ammunition retailer for the purpose of self-defense in my home. If this court declares section
6 613.10(g) invalid or otherwise enjoins its enforcement, I would immediately purchase such
7 ammunition within the City and County of San Francisco for self-defense in my home.

8 11. Because San Francisco Police Code section 613.10(g) prohibits the sale and purchase
9 of expanding and fragmenting ammunition within the City and County of San Francisco, I am
10 currently, and will continue to be, irreparably harmed by the ongoing deprivation of my
11 individual, fundamental right to acquire the prohibited ammunition that is commonly used for
12 self-defense in the home.

13 12. But for San Francisco Police Code section 613.10(g), I presently intend to purchase
14 ammunition in the City and County of San Francisco from a licensed firearms and/or ammunition
15 retailer for the purpose of self-defense in my home regardless of whether such ammunition serves
16 a "sporting purpose" to City's satisfaction. If this court declares section 613.10(g) invalid or
17 otherwise enjoins its enforcement, I would purchase such ammunition within the City and County
18 of San Francisco for self-defense in my home.

19 13. Because San Francisco Police Code section 613.10(g) prohibits the sale and purchase
20 of ammunition that serves "no sporting purpose" in the City and County of San Francisco, I am
21 currently, and will continue to be, irreparably harmed by the ongoing deprivation of my
22 individual, fundamental right to acquire the prohibited ammunition that is commonly used for
23 self-defense in the home.

24 I declare under penalty of perjury that the foregoing is true and correct. Executed within the
25 United States on August 28, 2012.

26 
27 _____
28 Larry P. Barsetti

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 ESPANOLA JACKSON, PAUL COLVIN,) CASE NO.: CV-09-2143-RS
5 THOMAS BOYER, LARRY BARSETTI,)
6 DAVID GOLDEN, NOEMI MARGARET)
7 ROBINSON, NATIONAL RIFLE) CERTIFICATE OF SERVICE
8 ASSOCIATION OF AMERICA, INC., SAN)
9 FRANCISCO VETERAN POLICE)
10 OFFICERS ASSOCIATION,)
11 Plaintiffs)
12 vs.)
13 CITY AND COUNTY OF SAN)
14 FRANCISCO, THE MAYOR OF SAN)
FRANCISCO, AND THE CHIEF OF THE)
SAN FRANCISCO POLICE)
DEPARTMENT, in their official capacities,)
and DOES 1-10,)
Defendants.)

15 IT IS HEREBY CERTIFIED THAT:

16 I, the undersigned, am a citizen of the United States and am at least eighteen years of age.
17 My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

18 I am not a party to the above-entitled action. I have caused service of:

19 **DECLARATION OF LARRY P. BARSETTI IN SUPPORT OF**
20 **MOTION FOR PRELIMINARY INJUNCTION**

21 on the following party by electronically filing the foregoing with the Clerk of the District Court
22 using its ECF System, which electronically notifies them.

23 Wayne Snodgrass, Deputy City Attorney
24 Christine Van Aken, Deputy City Attorney
25 Office of the City Attorney
26 1 Drive Carlton B. Goodlett Place
27 City Hall, Room 234
28 San Francisco, CA 94102

29 I declare under penalty of perjury that the foregoing is true and correct. Executed on August
30, 2012.

31 /s/ C. D. Michel
32 C. D. Michel
33 Attorney for Plaintiffs