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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 THOMAS BOYER IN**
ROBINSON, NATIONAL RIFLE) **SUPPORT OF MOTION FOR PARTIAL**
13 ASSOCIATION OF AMERICA, INC., SAN) **JUDGMENT ON THE PLEADINGS**
FRANCISCO VETERAN POLICE)
14 OFFICERS ASSOCIATION,)
15 Plaintiffs)
16 vs.)
17 CITY AND COUNTY OF SAN)
FRANCISCO, THE MAYOR OF)
18 SAN FRANCISCO, AND THE CHIEF)
OF THE SAN FRANCISCO POLICE)
19 DEPARTMENT, in their official capacities,)
and DOES 1-10,)
20 Defendants.)
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DECLARATION OF THOMAS BOYER

1. I, Thomas Boyer, am a plaintiff in the above-entitled action. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. I reside in the City and County of San Francisco.

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

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

5. In accordance with San Francisco Police Code section 4512, my handguns are currently stored at all times in an electronic safe that can only be opened with a code. I presently want to store my handgun unlocked and operable for immediate self-defense and, but for section 4512, I would not store my handgun in a locked container at all times. If this court declares section 4512 invalid or otherwise enjoins its enforcement, I would keep my handgun operable within my home, i.e., not disabled by a trigger lock or stored in a locked container.

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

7. But for San Francisco Police Code section 613.10(g), I presently intend to purchase ammunition in the City and County of San Francisco for the purpose of self-defense in my home regardless of whether such ammunition serves a “sporting purpose” to City’s satisfaction. If this court declares section 613.10(g) invalid or otherwise enjoins its enforcement, I would purchase such ammunition within the City and County of San Francisco for self-defense in my home.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed within the
2 United States on May 2, 2012.

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4 Thomas Boyer

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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 THOMAS BOYER IN SUPPORT OF
MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS**

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

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

25 I declare under penalty of perjury that the foregoing is true and correct. Executed on May
26 17, 2012.

27 /s/ C. D. Michel
C. D. Michel
28 Attorney for Plaintiffs