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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD ENOS, JEFF BASTASINI,
LOUIE MERCADO, WALTER GROVES,
MANUEL MONTEIRO, EDWARD
ERIKSON, VERNON NEWMAN,

Plaintiffs,

v.

ERIC HOLDER, as United States Attorney
General, and ROBERT MUELLER, III, as
Director of the Federal Bureau of Investigation,

Defendants.

CASE NO. 2:10-CV-02911-JAM-EFB

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' STATEMENT OF
UNDISPUTED FACTS**

Date: January 25, 2012
Time: 1:30 p.m.
Place: Courtroom 6, 14th Floor
Judge: John A. Mendez

1. Plaintiffs' Statement of Undisputed Fact:

The Federal Government's definition of Misdemeanor Crimes of Domestic Violence is found at 18 U.S.C. § 921(a)(33):

(33) (A) Except as provided in subparagraph (C), the term "misdemeanor crime of domestic violence" means an offense that—

(i) is a misdemeanor under Federal or State law; and
(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

(B) (i) A person shall not be considered to have been convicted of such an offense

for purposes of this chapter [18 USCS § 921 et seq.], unless--

(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and

(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(aa) the case was tried by a jury, or

(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter [18 USCS §§ 921 et seq.] if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

Government's Response:

Plaintiffs' Statement of Undisputed Fact consists of a quotation from 18 U.S.C. § 921(a)(33), to which no admission or denial is required.

2. Plaintiffs' Statement of Undisputed Fact:

It is a federal criminal offense for any person, including a federally licensed firearm dealer, to sell or dispose of any firearm to a person who has been convicted of a Misdemeanor Crime of Domestic Violence. 18 U.S.C. § 922(d)(9).

Government's Response:

Plaintiffs' Statement of Undisputed Fact consists of a conclusion of law, to which no admission or denial is required.

3. Plaintiffs' Statement of Undisputed Fact:

It is federal criminal offense for any person who has been convicted of a Misdemeanor Crime of Domestic Violence to possess a firearm. 18 U.S.C. § 922(g)(9).

Government's Response:

Plaintiffs' Statement of Undisputed Fact consists of a conclusion of law, to which no admission or denial is required.

4. Plaintiffs' Statement of Undisputed Fact:

Thus Federal Law imposes a lifetime ban on the "right to keep and bear arms" for persons convicted of Misdemeanor Crimes of Domestic Violence, subject to the individual states' power to

1 restore these fundamental civil rights under state law.

2 Government's Response:

3 Plaintiffs' Statement of Undisputed Fact consists of a conclusion of law, to which no admission
4 or denial is required.

5 5. Plaintiffs' Statement of Undisputed Fact:

6 Federal Law provides a means for felons to have their "right to keep and bear arms" restored
7 under procedures promulgated and implemented by the Attorney General. 18 U.S.C. § 925(c).

8 Government's Response:

9 Plaintiffs' Statement of Undisputed Fact consists of a conclusion of law, to which no admission
10 or denial is required.

11 6. Plaintiffs' Statement of Undisputed Fact:

12 California Penal Code § 12021(c)(1) sets forth a list of specific crimes that subject a person
13 convicted of certain misdemeanors to a ten (10) year prohibition against owning, possessing and
14 purchasing firearms (and ammunition). This list includes, but is not limited to the following
15 Misdemeanor Crimes of Domestic Violence:

16 a. Battery Against a Spouse/Cohabitant. CA Penal Code § 243(e).

17 b. Corporal Injury to Spouse/Cohabitant. CA Penal Code § 273.5.

18 Government's Response:

19 Plaintiffs' Statement of Undisputed Fact consists of a conclusion of law, to which no admission
20 or denial is required.

21 7. Plaintiffs' Statement of Undisputed Fact:

22 Pursuant to Penal Code § 12021(c)(1), the State of California has clearly and unequivocally set
23 forth a policy of limiting firearms prohibitions, for persons convicted of Misdemeanor Crimes of
24 Domestic Violence, to a ten (10) year period such that by the passage of time the misdemeanants'
25 "right to keep and bear arms" is restored, without qualification, by operation of law.

26 Government's Response:

27 Plaintiffs' Statement of Undisputed Fact consists of a conclusion of law, to which no admission
28 or denial is required.

8. Plaintiffs' Statement of Undisputed Fact:

California Penal Code § 12021(c)(3) also provides the means for a person convicted of a Misdemeanor Crime of Domestic Violence, prior to the date the state law went into effect, to have a Superior Court Judge restore the fundamental "right to keep and bear arms" on a case by case basis.

Government's Response:

Plaintiffs' Statement of Undisputed Fact consists of a conclusion of law, to which no admission or denial is required.

9. Plaintiffs' Statement of Undisputed Fact:

Plaintiff ENOS has submitted a declaration with exhibits showing:

- a. On or about July 15, 1991, Plaintiff RICHARD ENOS plead nolo contendere and was convicted of a misdemeanor violation of California Penal Code § 273.5 (a).
- b. In 1993 the California Legislature amended Penal Code § 12021 and added Penal Code § 273.5 to the list of misdemeanors which prohibit a person from acquiring/possessing a firearm for 10 years after the date of conviction.
- c. On September 13, 1994, the Congress passed the Violence Against Women Act, and in 1996 Congress amended the act to impose a lifetime prohibition against the acquisition/possession of firearms by misdemeanants convicted of Domestic Violence. See: 18 U.S.C. §§ 921 and 922 et seq.
- d. In March of 1999, Plaintiff RICHARD ENOS, petitioned for a record clearance under Penal Code § 1203.4.
- e. On May 25, 1999, Plaintiff RICHARD ENOS's petition was granted by the Honorable Ray E. Cunningham, Superior Court Judge. Plaintiff's plea of guilty was withdrawn, a plea of not guilty was entered and the court dismissed the case.
- f. On May 12, 2000, Plaintiff RICHARD ENOS filed a PETITION FOR RESTORATION OF CIVIL RIGHTS (FIREARM POSSESSION).
- g. On Jun 16, 2000, the PETITION FOR RESTORATION OF CIVIL RIGHTS (FIREARM POSSESSION) was granted by the Honorable Thang N. Barrett.
- h. In February of 2001, Plaintiff RICHARD ENOS caused a letter to be sent to the

California Department of Justice referencing the order by Judge Barrett restoring his rights. At that point in time the State of California had cleared RICHARD ENOS to own/possess firearms.

- i. In August of 2004, Plaintiff RICHARD ENOS was denied a firearm purchase and advised by the State of California that the denial was being maintained by U.S. Department of Justice, Federal Bureau of Investigation, National Instant Criminal Background Check System.
- j. As of August 29, 2011, Plaintiff RICHARD ENOS is permitted to acquire and possess firearms under the laws of the State of California.
- k. As of August 29, 2011, Plaintiff RICHARD ENOS is prohibited from acquiring and possessing firearms due to threat of criminal prosecution under federal law.
- l. But for Defendants' wrongful interpretation of the federal laws regulating firearm possession and purchase by domestic violence misdemeanants, Plaintiff RICHARD ENOS would acquire, keep and bear arms for, among other lawful purposes, self-defense in his home.

Government's Response:

Defendants admit that plaintiffs have submitted a declaration from Richard Enos with exhibits consisting of: (1) various uncertified court documents from the Superior Court of California for Santa Clara County relating to relief that Enos obtained on June 16, 2000, under California Penal Code 12021(c)(3); and (2) an uncertified copy of a Petition and Order from the Superior Court of Santa Clara County relating to the relief he obtained under California Penal Code § 1203.4 for a conviction under California Penal Code § 273.5 on July 15, 1991. The FBI admits that its records indicate that Enos was denied a firearms purchase in June of 2005. The remaining parts of plaintiffs' statement of undisputed fact consists of conclusions of law, to which no admission or denial is required.

10. Plaintiffs' Statement of Undisputed Fact:

Plaintiff BASTASINI has submitted a declaration with exhibits showing:

- a. On or about March 25, 1991, Plaintiff BASTASINI plead nolo contendere in a Santa

1 Clara County Superior Court to two counts of a misdemeanor crime of domestic
2 violence under Penal Code §§ 273.5 and 242. He was not represented by counsel.

- 3 b. In 1993 the California Legislature amended Penal Code § 12021 and added Penal Code
4 § 273.5 and 242 to the list of misdemeanors which prohibit a person from
5 acquiring/possessing a firearm for 10 years after the date of conviction.
- 6 c. On September 13, 1994, the Congress passed the Violence Against Women Act, and in
7 1996 Congress amended the act to impose a lifetime prohibition against the
8 acquisition/possession of firearms by misdemeanants convicted of Domestic Violence.
9 See: 18 U.S.C. §§ 921 and 922 et seq.
- 10 d. On or about August 21, 2000, Plaintiff BASTASINI, petitioned for a record clearance
11 under Penal Code § 1203.4.
- 12 e. On or about September 20, 2000, the Superior Court of Santa Clara County granted
13 Plaintiff BASTASINI's petition under Penal Code § 1203.4. Plaintiff's plea was
14 withdrawn, a plea of not guilty was entered and the court dismissed the case.
- 15 f. Subsequent to California's restoration of his right to "keep and bear arms" under the
16 California law, Plaintiff BASTASINI obtained a firearm permit from the California
17 Bureau of Security and Investigative Services.
- 18 g. On or about February 16, 2006, Plaintiff BASTASINI was informed that his Firearm
19 Permit was being revoked under the lifetime prohibition imposed by federal law for his
20 conviction on March 25, 1991.
- 21 h. On July 11, 2011, Plaintiff BASTASINI applied for a firearm purchase at federally
22 licensed firearm dealer. Plaintiff correctly filled out the ATF Form 4473 (5300.9) and
23 truthfully answered "YES" to quesiton 11.i.
- 24 i. On July 18, 2011, Plaintiff BASTASINI was denied a firearm purchase. Upon making
25 an inquiry to the California Department of Justice for the reason for the denial,
26 BASTASINI was informed that federal law prohibited his clearance to purchase the gun
27 and that he should direct his questions to federal authorities.
- 28 j. As of August 29, 2011, Plaintiff BASTASINI is permitted to acquire and possess

firearms under the laws of the State of California.

k. As of August 29, 2011, Plaintiff BASTASINI is prohibited from acquiring and possessing firearms due to threat of criminal prosecution under federal law.

l. But for Defendants' wrongful interpretation of the federal laws regulating firearm possession and purchase by domestic violence misdemeanants, Plaintiff BASTASINI would acquire, keep and bear arms for, among other lawful purposes, self-defense in his home.

Government's Response:

Defendants admit that plaintiffs have submitted a declaration from Jeff Bastasini with exhibits consisting of: (1) various uncertified conviction records from the California Superior Court for Santa Clara County regarding a conviction under California Penal Code §§ 273.5(a) and 242 on March 25, 1991, and the relief he obtained under California Penal Code § 1203.4; and (2) a letter dated July 18, 2011, from the California Department of Justice to the Bay Area Gun Vault notifying the gun dealer that Bastasini is not eligible to possess a firearm. The FBI admits that its records indicate that Bastasini was denied a firearms purchase on July 18, 2011. The remaining parts of plaintiffs' statement of undisputed fact consist of conclusions of law, to which no admission or denial is required.

11. Plaintiff's Statement of Undisputed Fact:

Plaintiff MERCADO has submitted a declaration with exhibits showing:

- a. Plaintiff LOUIE MERCADO plead no contest (and/or guilty) in Sacramento Superior Court to a misdemeanor charge of California Penal Code § 273.5 on December 17, 1990. He was represented by counsel.
- b. In 1993 the California Legislature amended Penal Code § 12021 and added Penal Code § 273.5 and 242 to the list of misdemeanors which prohibit a person from acquiring/possessing a firearm for 10 years after the date of conviction.
- c. On September 13, 1994, the Congress passed the Violence Against Women Act, and in 1996 Congress amended the act to impose a lifetime prohibition against the acquisition/possession of firearms by misdemeanants convicted of Domestic Violence.

See: 18 U.S.C. §§ 921 and 922 et seq.

- d. On or about December 18, 2001, Plaintiff MERCADO petitioned the Court for relief under Penal Code § 1203.4.
- e. On January 18, 2002, the Superior Court of Sacramento granted Plaintiff MERCADO's relief under Penal Code § 1203.4. Plaintiff's plea was withdrawn, a plea of not guilty was entered and the court dismissed the case.
- f. Subsequent to California's restoration of his right to "keep and bear arms" under the California law, Plaintiff MERCADO obtained a firearm permit from the California Bureau of Security and Investigative Services.
- g. On or about May 1, 2006, Plaintiff MERCADO was informed that his Firearm Permit was being revoked under the lifetime prohibition imposed by federal law for his conviction on December 17, 1990.
- h. On July 12, 2011, Plaintiff MERCADO applied for a firearm purchase at federally licensed firearm dealer. Plaintiff correctly filled out the ATF Form 4473 (5300.9) and truthfully answered "YES" to question 11.i.
- i. On July 12, 2011, Plaintiff MERCADO was denied a firearm purchase. Upon making an inquiry to the dealer, Plaintiff was informed that answering "YES" to question 11.i., on ATF form 4473 (5300.9) required the dealer to stop the transaction and deny the purchase.
- j. As of August 29, 2011, Plaintiff MERCADO is permitted to acquire and possess firearms under the laws of the State of California.
- k. As of August 29, 2011, Plaintiff MERCADO is prohibited from acquiring and possessing firearms due to threat of criminal prosecution under federal law.
- l. But for Defendants' wrongful interpretation of the federal laws regulating firearm possession and purchase by domestic violence misdemeanants, Plaintiff MERCADO would acquire, keep and bear arms for, among other lawful purposes, self-defense in his home.

Government's Response:

Defendants admit that plaintiffs have submitted a declaration from Louie Mercado with exhibits consisting of: (1) various uncertified conviction records from the California Superior Court for Sacramento County regarding the relief he obtained under California Penal Code § 1203.4 for a conviction under California Penal Code §§ 273.5(a) on November 26, 1990; a completed ATF Form 4473; and a letter from Just Guns, Sacramento, CA, informing "To Whom It May Concern" that "[w]e are unable to complete the purchase/process of any firearm to Louis Mercado, because of his answer to 11i of the firearms transaction record from 4473." Defendants are unable to admit or deny the factual portions of this Statement of Undisputed Fact because the FBI has no transaction history with regard to Louie Mercado's attempt to purchase a firearm. The remaining parts of plaintiffs' statement of undisputed fact consist of conclusions of law, to which no admission or denial is required.

12. Plaintiffs' Statement of Undisputed Fact:

Plaintiff GROVES has submitted a declaration with exhibits showing:

- a. Plaintiff WALTER GROVES plead no contest (and/or guilty) in a Monterey County Superior Court to a misdemeanor charge of California Penal Code § 273.5 on January 12, 1990. He was represented by counsel.
- b. In 1993 the California Legislature amended Penal Code § 12021 and added Penal Code § 273.5 and 242 to the list of misdemeanors which prohibit a person from acquiring/possessing a firearm for 10 years after the date of conviction.
- c. On September 13, 1994, the Congress passed the Violence Against Women Act, and in 1996 Congress amended the act to impose a lifetime prohibition against the acquisition/possession of firearms by misdemeanants convicted of Domestic Violence. See: 18 U.S.C. §§ 921 and 922 et seq.
- d. On or about January 27, 1999, Plaintiff GROVES petitioned the Court for relief under Penal Code § 1203.4.
- e. On April 22, 1999 the Superior Court of Monterey County granted Plaintiff

1 GROVES' relief under Penal Code § 1203.4. Plaintiff's plea was withdrawn, a plea of
2 not guilty was entered and the court dismissed the case.

3 f. On or about September 26, 2005, Plaintiff GROVES was denied a firearm purchase. He
4 was informed that federal law prohibited California from clearing his firearm purchase.

5 g. On or about July 18, 2011, Plaintiff GROVES again attempted to purchase a firearm, but
6 the federally licensed firearms dealer refused to complete the application process
7 because he truthfully answered "YES" to question 11.i., of the ATF Form 4473
8 (5300.9).

9 h. As of August 29, 2011, Plaintiff GROVES is permitted to acquire and possess firearms
10 under the laws of the State of California.

11 i. As of August 29, 2011, Plaintiff GROVES is prohibited from acquiring and possessing
12 firearms due to threat of criminal prosecution under federal law.

13 j. But for Defendants' wrongful interpretation of the federal laws regulating firearm
14 possession and purchase by domestic violence misdemeanants, Plaintiff GROVES
15 would acquire, keep and bear arms for, among other lawful purposes, self-defense in his
16 home.

17 Government's Response:

18 Defendants admit that plaintiffs have submitted a declaration from Walter Groves with exhibits
19 consisting of: (1) various uncertified conviction records from the California Superior Court for
20 Monterey County regarding the relief that he obtained under California Penal Code § 1203.4 for an
21 unspecified conviction; and (2) a completed ATF Form 4473. Defendants are unable to admit or deny
22 the factual portions of this Statement of Undisputed Fact because the FBI has no transaction history
23 with regard to Walter Groves' attempt to purchase a firearm. The remaining parts of plaintiffs'
24 statement disputed fact consists of conclusions of law, to which no admission or denial is required.

25
26 13. Plaintiffs' Statement of Undisputed Fact:

27 Plaintiff MONTEIRO has submitted a declaration with exhibits showing:
28

- a. Plaintiff MANUEL MONTEIRO plead no contest (and/or guilty) in Santa Clara County Superior Court to a misdemeanor charge of California Penal Code § 273.5 on May 27, 1992.
- b. In 1993 the California Legislature amended Penal Code § 12021 and added Penal Code § 273.5 to the list of misdemeanors which prohibit a person from acquiring/possessing a firearm for 10 years after the date of conviction.
- c. On September 13, 1994, Congress passed the Violence Against Women Act, and in 1996 Congress amended the act to impose a lifetime ban on the acquisition/possession of firearms by misdemeanants convicted of Domestic Violence. 18 U.S.C. §§ 921 and 922 et seq.
- d. On or about September 1, 1995 Plaintiff MONTEIRO requested relief under Penal Code § 1203.4.
- e. On October 3, 1995 the Superior Court of Santa Clara County granted Plaintiff MONTEIRO's relief under Penal Code § 1203.4. Plaintiff's plea was withdrawn, a plea of not guilty was entered and the court dismissed the case.
- f. On or about July 14, 2011, Plaintiff MONTEIRO was denied a firearm purchase. In a letter of explanation from the California Department of Justice, Plaintiff was informed that the denial was based on the Federal Brady Act.
- g. As of August 29, 2011, Plaintiff, MONTEIRO is permitted to acquire and possess firearms under the laws of the State of California.
- h. As of August 29, 2011, Plaintiff MONTEIRO is prohibited from acquiring and possessing firearms due to threat of criminal prosecution under federal law.
- i. But for Defendants' wrongful interpretation of the federal laws regulating firearm possession and purchase by domestic violence misdemeanants, Plaintiff MONTEIRO would acquire, keep and bear arms for, among other lawful purposes, self-defense in his home.

Government's Response:

Defendants admit that plaintiffs have submitted a declaration from Manuel Monteiro with exhibits consisting of: (1) various uncertified conviction records from the Municipal Court of California for Santa Clara County regarding the relief that he obtained under California Penal Code § 1203.4 for a conviction under California Penal Code § 273.5(a) on May 27, 1992 ; and (2) correspondence from the California Department of Justice relating to the fact that Monteiro is ineligible to purchase a firearm due to his misdemeanor domestic violence convictions. The FBI admits that its records indicate that Monteiro was denied a firearm purchase on July 14, 2011. The remaining parts of plaintiffs' statement of undisputed fact consist of conclusions of law, to which no admission or denial is required.

14. Plaintiffs' Statement of Undisputed Fact:

Plaintiff ERIKSON has submitted a declaration with exhibits showing:

- a. On June 3, 1996, Plaintiff ERIKSON plead no contest and/or guilty in a Santa Clara County Superior Court to a misdemeanar charge of Penal Code § 273.5.
- b. On October 25, 2006, ERIKSON was granted a petition under Penal Code § 1203.4. His plea was withdrawn, a plea of not guilty was entered and the court dismissed the case.
- c. On or about July 19, 2011, ERIKSON was denied a firearm purchase when the dealer refused to process his application for a transfer due to his truthful answer of "YES" to question 11.i., on the ATF Form 4473 (5300.9)
- d. As of August 29, 2011, Plaintiff ,ERIKSON is permitted to acquire and possess firearms under the laws of the State of California.
- e. As of August 29, 2011, Plaintiff ERIKSON is prohibited from acquiring and possessing firearms due to threat of criminal prosecution under federal law.
- f. But for Defendants' wrongful interpretation of the federal laws regulating firearm possession and purchase by domestic violence misdemeanants, Plaintiff ERIKSON

1 would acquire, keep and bear arms for, among other lawful purposes, self-defense in his
2 home.

3 Government's Response:

4 Defendants admit that plaintiffs have submitted a declaration from Edward Erikson with
5 exhibits consisting of: (1) various uncertified conviction records from the California Superior Court
6 for Santa Clara County regarding the relief he obtained under California Penal Code § 1203.4 for a
7 conviction under California Penal Code § 273.5(a) on June 3, 1996; (2) a completed ATF Form 4473;
8 and (3) a letter from Big 5 Sporting Goods, dated July 19, 2011, which states: "Due to the answers
9 provided on the 4473 form, I am unable to continue the sale of this firearm to Mr. Edward Erikson."
10 Defendants are unable to admit or deny the factual portions of this Statement of Undisputed Fact
11 because the FBI has no transaction history with regard to Edward Erikson's attempt to purchase a
12 firearm. The remaining parts of plaintiffs' statement of undisputed fact consist of conclusions of law,
13 to which no admission or denial is required.

14
15 15. Plaintiffs' Statement of Undisputed Fact:

- 16 a. Plaintiff NEWMAN has submitted a declaration with exhibits showing:
17 b. On September 17, 1998, NEWMAN plead guilty and/or no contest in a Santa Clara
18 Superior Court to a misdemeanor charge of Penal Code § 243(e).
19 c. On July 17, 2008, the Superior Court granted NEWMAN's petition under Penal Code §
20 1203.4. His plea was withdrawn, a plea of not guilty was entered and the court
21 dismissed the case.
22 d. On or about August 1, 2011 NEWMAN was denied a firearm purchase by the California
23 Department of Justice after truthfully answering "YES" to question 11.i., on ATF Form
24 4473 (5300.9).
25 e. As of August 29, 2011, Plaintiff NEWMAN is permitted to acquire and possess firearms
26 under the laws of the State of California.
27 f. As of August 29, 2011, Plaintiff NEWMAN is prohibited from acquiring and possessing
28

firearms due to a threat of criminal prosecution under federal law.

g. But for Defendants' wrongful interpretation of the federal laws regulating firearm possession and purchase by domestic violence misdemeanants, Plaintiff NEWMAN would acquire, keep and bear arms for, among other lawful purposes, self-defense in their homes.

Government's Response:

Defendants admit that plaintiffs have submitted a declaration from Vernon Newman with exhibits consisting of: (1) various uncertified conviction records from the California Superior Court for Santa Clara County regarding relief that Newman obtained under California Penal Code § 1203.4 for a conviction under California Penal Code § 243(e) on September 17, 1997 (not September 17, 1998 as averred in Newman's declaration); (2) correspondence from the California Department of Justice, dated August 1, 2011, regarding Newman's ineligibility to purchase a firearm. The FBI admits that its records indicate that Newman was denied a firearm purchase on August 1, 2011. The remaining parts of plaintiffs' statement of undisputed fact consist of conclusions of law, to which no admission or denial is required.

Dated: January 11, 2012

BENJAMIN B. WAGNER
UNITED STATES ATTORNEY

/s/ Edward A. Olsen
EDWARD A. OLSEN
Assistant United States Attorney