

1 C.D. Michel - S.B.N. 144258
2 TRUTANICH • MICHEL, LLP
3 407 North Harbor Boulevard
4 San Pedro, CA 90731
5 Telephone: 310-548-0410
6 Facsimile: 310-548-4813

7
8 Attorneys for Defendants,
9 Andrews Sporting Goods, Inc. dba
10 Turners Outdoorsman, and S.G. Distributing, Inc.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

Judicial Council Coordination Proceeding
Special Title (Rule 1550(b))

FIREARM CASES

Coordinated actions:

THE PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. the County of Los
Angeles, et. al.,

v.

ARCADIA MACHINE & TOOL, et. al.,

THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through JAMES K.
HAHN, City Attorney of the City of Los
Angeles, et. al.,

v.

ARCADIA MACHINE & TOOL, et. al.,

THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through San
Francisco City Attorney Louise H. Renne,
v.

ARCADIA MACHINE & TOOL, et. al.

JUDICIAL COUNCIL COORDINATION
PROCEEDINGS NO. 4095

Superior Court of California City & County of
San Francisco No. 303753

Superior Court of California County of Los
Angeles No. BC210894

Superior Court of California County of Los
Angeles No. BC214794

**DECLARATION OF SHIRLEY
ANDREWS IN SUPPORT OF
DEFENDANT ANDREWS SPORTING
GOODS' AND S. G. DISTRIBUTING'S
SPECIAL MOTION TO STRIKE
PURSUANT TO CIVIL CODE SECTION
416.25**

Date:

Time:

Dept. 65

Hon. Vincent. P. DiFiglia

1 I, Shirley Andrews, declare as follows:

2 1. I owner and president of Andrews Sporting Goods, Inc. dba Turners
3 Outdoorsman (hereinafter referred to as "ASG"), and S.G. Distributing, Inc. (hereinafter referred
4 to as "SGD.")

5 S.G. Distributing, Inc.

6 2. SGD has produced no advertisements since prior to 1995.

7 3. Because SGD has not produced any advertisements since 1995, it has not include
8 slogans such as "homeowner's insurance," "tip the odds in your favor," and/or "your safest choice
9 for personal protection" in any advertising.

10 Andrew's Sporting Goods, Inc.

11 4. The vast majority of ASG's advertisements are "bulletin board" type
12 advertisements that include a picture of the firearm and text that identifies the firearm maker,
13 model, caliber, and price. (See Exhibit "A.")

14 5. ASG has not included the following slogans in it's advertisements: "homeowner's
15 insurance," "tip the odds in your favor," and/or "your safest choice for for personal protection."

16 6. ASG has not included any slogans in any advertisements similar to those alleged by
17 Plaintiffs in the above entitled action.

18 7. ASG has never received a complaint or comment, other than the above entitled
19 action, that claimed any statement in any advertisement by ASG was false or misleading in that it
20 led any person to believe firearms are not dangerous weapons.

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

23 DATED: 1/3/03

24 BY: Shirley Andrews
25 Shirley Andrews
26 President Andrew's Sporting Goods, Inc.,
27 dba Turner's Outdoorsman
28 and S.G. Distributing, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Haydee Villegas, declare:

1. That I am employed in the City of San Pedro, 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 407 North Harbor Boulevard, San Pedro, California 90731.

2. On January 3, 2003, I served the foregoing document(s) described as

**DECLARATION OF SHIRLEY ANDREWS IN SUPPORT OF DEFENDANTS
ANDREWS SPORTING GOODS' AND S. G. DISTRIBUTING'S NOTICE OF MOTION
AND SPECIAL MOTION TO STRIKE PURSUANT TO CAL. CODE OF CIVIL
PROCEDURE §425.16** on the interested parties in this action by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty that the foregoing is true and correct. Executed this 3RD day of January, 2003 at San Pedro, California.

Haydee Villegas
Haydee Villegas

1 C.D. Michel - S.B.N. 144258
2 TRUTANICH • MICHEL, LLP
3 407 North Harbor Boulevard
4 San Pedro, CA 90731
5 Telephone: 310-548-0410
6 Facsimile: 310-548-4813

7
8 Attorneys for Defendants,
9 Andrews Sporting Goods, Inc. dba
10 Turners Outdoorsman, and S.G. Distributing, Inc.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

Judicial Council Coordination Proceeding
Special Title (Rule 1550(b))

FIREARM CASES

Coordinated actions:

THE PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. the County of Los
Angeles, et. al.,

v.

ARCADIA MACHINE & TOOL, et. al.,

THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through JAMES K.
HAHN, City Attorney of the City of Los
Angeles, et. al.,

v.

ARCADIA MACHINE & TOOL, et. al.,

THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through San
Francisco City Attorney Louise H. Renne,
v.

ARCADIA MACHINE & TOOL, et. al.

JUDICIAL COUNCIL COORDINATION
PROCEEDINGS NO. 4095

Superior Court of California City & County of
San Francisco No. 303753

Superior Court of California County of Los
Angeles No. BC210894

Superior Court of California County of Los
Angeles No. BC214794

**DEFENDANTS ANDREWS SPORTING
GOODS' AND S. G. DISTRIBUTING'S
NOTICE OF LODGING OF FEDERAL
AUTHORITIES IN SUPPORT OF
SPECIAL MOTION TO STRIKE
PURSUANT TO CAL. CODE OF CIVIL
PROCEDURE §425.16**

Date:
Time: 8:30 a.m.
Dept. 65
Hon. Vincent. P. DiFiglia

1 The following authorities are hereby lodged with the Court as authorities cited by
2 Defendant Andrews Sporting Goods and S.G. Distributing in their Special Motion to Strike
3 Pursuant to Cal. Code of Civil Procedure §425.16:

4 FEDERAL CASES:

- 5 1. *Haskell v. Time, Inc.* (E.D. Cal. 1994) 857 F.Supp. 1392
- 6 2. *Hoffman v. Capitol Cities/ABC, Inc.* (9th Cir. 2001) 255 F.3d 1180
- 7 3. *Freeman v. Time, Inc.* (9th Cal. 1995) 68 F.3d 285
- 8 4. *Mavilia v. Stoeger Industries* (D. Mass. 1983) 574 F.Supp. 107
- 9 5. *Milkovich v. Lorain* (1990) 497 U.S. 1
- 10 6. *Nordyke v County of Santa Clara* (2000) 933 F.Supp 903
- 11 7. *Riley v. National Federation of the Blind* (1988) 487 U.S. 781

12
13 Dated: January 3, 2003

TRUTANICH • MICHEL, LLP:

14
15 C. D. Michel
16 C. D. Michel
17 Attorneys for Defendants
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Haydee Villegas, declare:

1. That I am employed in the City of San Pedro, 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 407 North Harbor Boulevard, San Pedro, California 90731.

2. On January 3, 2003, I served the foregoing document(s) described as
DEFENDANTS ANDREWS SPORTING GOODS' AND S. G. DISTRIBUTING'S NOTICE OF LODGING OF FEDERAL AUTHORITIES IN SUPPORT OF SPECIAL MOTION TO STRIKE PURSUANT TO CAL. CODE OF CIVIL PROCEDURE §425.16 on the interested parties in this action by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty that the foregoing is true and correct. Executed this 3rd day of January, 2003 at San Pedro, California.

Haydee Villegas
Haydee Villegas

1 C.D. Michel - S.B.N. 144258
2 TRUTANICH • MICHEL, LLP
3 407 North Harbor Boulevard
4 San Pedro, CA 90731
5 Telephone: 310-548-0410
6 Facsimile: 310-548-4813

7
8 Attorneys for Defendants,
9 Andrews Sporting Goods, Inc. dba
10 Turners Outdoorsman, and S.G. Distributing, Inc.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

Judicial Council Coordination Proceeding
Special Title (Rule 1550(b))

FIREARM CASES

Coordinated actions:

THE PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. the County of Los
Angeles, et. al.,

v.

ARCADIA MACHINE & TOOL, et. al.,

THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through JAMES K.
HAHN, City Attorney of the City of Los
Angeles, et. al.,

v.

ARCADIA MACHINE & TOOL, et. al.,

THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through San
Francisco City Attorney Louise H. Renne,
v.

ARCADIA MACHINE & TOOL, et. al.

JUDICIAL COUNCIL COORDINATION
PROCEEDINGS NO. 4095

Superior Court of California City & County of
San Francisco No. 303753

Superior Court of California County of Los
Angeles No. BC210894

Superior Court of California County of Los
Angeles No. BC214794

**DECLARATION OF C.D. MICHEL IN
SUPPORT OF DEFENDANTS ANDREWS
SPORTING GOODS' AND S. G.
DISTRIBUTING'S SPECIAL MOTION
TO STRIKE PURSUANT TO CIVIL
CODE SECTION 416.25**

Date:
Time: 8:30 a.m.
Dept. 65
Hon. Vincent. P. DiFiglia

1 I, C.D. Michel, declare as follows:

- 2 1. I am counsel for Defendant Andrews Sporting Goods, Inc. dba Turners
3 Outdoorsman (hereinafter referred to as "ASG") and S.G. Distributing, Inc.
4 (hereinafter referred to as "SGD").
- 5 2. The three complaints coordinated in the proceedings of JCCP 4095 were filed over
6 three years ago on or about May 25, 1999.
- 7 3. Certain Plaintiffs allege a cause of action against Defendants, that each of them
8 (including ASG and SGD), have falsely and deceptively claimed through advertising
9 and promotion of their handguns that the ownership and possession of handguns in
10 the home increases one's security. For example, certain Defendant Manufacturers
11 have promoted handguns with slogans such as "homeowner's insurance," "tip the
12 odds in your favor," and "your safest choice for personal protection."
- 13 4. Plaintiffs have failed to identify what specific relief they seek from retailers and/or
14 wholesaler/distributors.
- 15 5. On June 21, 2001, for the purposes of evaluating a possible settlement, I inquired as
16 to what injunctive relief plaintiffs actually sought. Specifically, I asked what
17 Plaintiffs would "be seeking... [retailers and wholesaler/distributors] to change
18 about the way it practices as a storefront operator" or "about the way it conducts
19 business as a wholesaler/distributor."
- 20 6. On July 11, 2001 Plaintiffs Attorney Jonah H. Goldstein responded by admitting
21 that they do not know what specific relief they seek, stating that:
22 Plaintiffs seek preliminary and permanent injunctive relief requiring defendants ... to
23 cease and desist from continuing to engage in practices that constitute a public
24 nuisance. Plaintiffs also seek to enjoin defendants from engaging in unlawful and
25 unfair business practices as set forth in the respective complaints brought by the
26 City of Los Angeles, County of Los Angeles and City of San Francisco. The precise
27 nature of the injunctive relief will be determined by Judge DiFiglia once the
28 evidence has been presented. As this case is still in the discovery phase and no
evidence has been presented to the court, it would be premature for plaintiffs to
attempt to determine the precise nature of the injunctive relief to be fashioned by
the Court.
7. On July 19, 2001 I sent a letter to Plaintiffs stating:

My June 21st letter was, and this letter is, an attempt to narrow the issues of dispute between the parties, if possible. To further that goal I am now attempting to determine what specific injunctive relief the Plaintiffs seek. Though your letter points out "that the precise nature of the injunctive relieve will be determined by Judge DiFiglia once the evidence has been presented" this, of course, ignores the obvious reality that Judge DiFiglia will be asking Plaintiffs, should they prevail, what injunctive relief they recommend or seek...The manner in which you responded to this letter leads me to the inevitable conclusion that the Plaintiffs do not know what specific injunctive relief they seek...

8. Plaintiffs did not respond to the June 19, 2001 letter asking for clarification as to what specific relief they seek.

9. Throughout this litigation, ASG has made multiple Discovery Requests asking Plaintiffs to identify and/or describe the advertisements by ASG that are alleged to be false, fraudulent, or otherwise in violation of federal, state or local laws.

10. ASG has produced over 800 advertisements to Plaintiffs in response to Plaintiffs multiple Requests for Production of Documents.

11. ASG has provided Plaintiffs with the website address where it can obtain current advertisements.

12. On May 24, 2001 ASG began a meet and confer with Plaintiffs regarding their responses to discovery requests, which in part stated:

This litigation was filed almost two years ago. At that time, the various government plaintiffs must have believed that there was some evidence to name Andrews as a defendant. To proceed without any such belief would be frivolous. Andrews has subsequently responded to three sets of interrogatories, and has further provided over 2100 pages of documents in response to your discoveries....With Regard to the total failure to respond to the Interrogatories propounded by Andrews, demand is hereby made that plaintiffs respond, without objection, within 20 days from the date of this letter.

13. On June 7, 2001, Plaintiffs counsel Jason T. Baker responded to the letter dated May 24, 2001 by stating that they "anticipate being able to offer significant supplementation of [their] responses."

14. Plaintiffs never produced a "significant supplementation" of [their] responses.

15. In a September 12, 2002 meet and confer letter regarding outstanding discovery to Plaintiffs Counsel Jason T. Baker I stated:

With specific reference to your advertising claims, Andrew's Sporting Goods Special Interrogatories No. 50 and 52 requested a list of all firearms advertised by

defendant in violation of Federal, State or Local laws. Special Interrogatories 53 and 55 requested identification of facts and a description of documents that Andrews made deceptive statements in their advertisements. Special Interrogatory No. 54 requested identification of expert witnesses that support your contention that Defendant Andrews made deceptive statements. Turner's produced over 800 advertisements months ago. Yet you have failed to identify or produce a single document that you allege is in violation of the Business and Professions Code, as alleged in your Complaint.

16. Plaintiffs have not produced or identified a single advertisement produced by ASG that they contend is false, fraudulent or misleading.

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

DATED: December 31, 2002

BY: /s/ C.D. Michel
C.D. Michel
Counsel for Defendants

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Haydee Villegas, declare:

1. That I am employed in the City of San Pedro, 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 407 North Harbor Boulevard, San Pedro, California 90731.

2. On January 3, 2003, I served the foregoing document(s) described as **DECLARATION OF C.D. MICHEL IN SUPPORT OF DEFENDANTS ANDREWS SPORTING GOODS' AND S. G. DISTRIBUTING'S SPECIAL MOTION TO STRIKE PURSUANT TO CIVIL CODE SECTION 416.25** on the interested parties in this action by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty that the foregoing is true and correct. Executed this 3rd day of January, 2003 at San Pedro, California.

Haydee Villegas
Haydee Villegas

WON 01/03

TURNER'S OUTDOORSMAN

www.turners.com

Visit Our New "SAFE SHOWROOM" In Fountain Valley

TAURUS' M85 .38 SPECIAL

- 2" Barrel
- 5 Shot • -P Rated
- Hammer Forged Steel Frame
- Polished Blue Finish

\$249⁹⁸
REG. \$259.99

M85 STAINLESS STEEL \$289.98

Beretta 92/96 BRIGADIER

\$569⁹⁸
REG. \$589.99

- Matte Black Finish • Heavier Recontoured Slide
- Two 10 Rd Mags • 9mm Or 40 S&W

WEATHERBY SUPER SALE!

\$100⁰⁰ OFF

ANY WEATHERBY IN STOCK
19 MODELS TO CHOOSE FROM

Over 100
Guns in
Stock!

Weatherby MK V STAINLESS STEEL

- 410 Series Stainless Steel Barrel And Action
- Injection-Molded Synthetic Stock
- 24" Barrel In Non-Why Calibers, 26" In Why Mags

\$799⁹⁸
REG. \$899.99

300 Win. • 300Win. • 338 Win & 7mm Rem

\$829.98

PMC .9MM AMMUNITION

- 115 Gr.
- FMJ
- 50 Rds.

\$7⁹⁸
REG. \$8.99

No Layaways

Blazer • 50 ROUNDS • ALUMINUM CASES

9MM	115 GR • TMJ	REG. \$7.99	\$6⁹⁸
40SW	180 GR • TMJ	REG. \$10.49	\$8⁹⁸
45ACP	230 GR • TMJ	REG. \$11.99	\$9⁹⁸

HOMAK 3660 8-GUN STEEL CABINET

- 16 Ga. Steel
- Reinforced Door
- Two Anti-Drill Locks

\$119⁹⁸
REG. \$129.99

SPRINGFIELD ARMORY .45 MIL- SPEC

\$479⁹⁸
REG. \$519.99

- One 7 Rd. Magazine
- Parkerized Finish • 5" Barrel • Fixed Sights

500 12 GA SHOTGUN

- 8 Shot Capacity • 20" Barrel
- Blued Finish/Synthetic Stock
- Shoots 2-3/4" And 3"

\$229⁹⁸
REG. \$249.99

FALCON RODS

• HUGE SAVINGS NOW!

- All Falcon Rods Have Fuji Components
- Choose From The Low Rider Or Silver Series
- Limited Quantities

Prices Start At **\$55⁹⁹**

SAVE 30% ON ALL FALCON RODS IN STOCK!!!

okuma METALOID

• NEW FROM OKUMA!

- The Metaloid Rod Is Available In Three Sizes
- All Three Come With Anti Reverse For Positive Hook Sets
- Each Size Has 10 Ball Bearings, An Aluminum Spool And An Extra Aluminum Spool

\$79⁹⁸
REG. \$84.99

SAVAGE 10FP POLICE RIFLE

\$399⁹⁸
REG. \$439.99

- .308 • Dual Pillar Bedding
- 24" Heavy Barrel
- Black Synthetic Stock • Custom Button Rifling

RUGER MINI-14 .223 STAINLESS STEEL

- 5 Rd. Magazine
- Synthetic Stock

\$499⁹⁸
REG. \$529.99

STAINLESS RANCH SYNTHETIC \$539.98

Bassix LURES

Premium Hand Poured Lures

SAVE 15% ON ALL BASSIX LURES IN STOCK!!!

Prices Start At **\$8⁴⁹**

• Choose From The 6", 8" And 10" Size

Daiwa MILLIONAIRE CVX BAITCASTER

- Frame And Sideplates Machined From Solid Aluminum
- 4 Ball Bearings
- Super Speed Shaft Design For Extreme Casting Performance
- Infinite Anti Reverse

Prices Start At **\$149⁹⁹**

ALL STAR CALIFORNIAN CALICO SERIES RODS

- 100% high modulus graphite blanks
- Aluminum oxide guides • Cork handles
- Graphite rod seats
- Rods include Aftco roller guides
- Made exclusively for Turner's Outdoorman
- Choose From 4 Different Models

\$99⁹⁸
REG. \$119.99

All Models In Stock

WEST COVINA (626) 853-8848

SAN BERNARDINO (909) 388-1090

RIVERSIDE (951) 351-1190

FOUNTAIN VALLEY (714) 905-5151

ORANGE (714) 374-0600

NORWALK (562) 929-4036

SIGNAL HILL (562) 424-8828

PASADENA (626) 578-0155

RESEDA (818) 930-8033

CHINO & NEW RIVERS (909) 590-7225

SAN MARCOS (760) 741-1570

CALL FOR HOURS

REARVIEW MESA (858) 278-0005

IRON-PIE • 10-7 Sat-Sun • 10-6

ENTER SALES CLASS NOW!!

2 JULY Wks. OF 10 PM!

(818) 745-2351