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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SACRAMENTO

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12 **DAVID GENTRY, JAMES PARKER,
13 MARK MID LAM, JAMES BASS, and
14 CALGUNS SHOOTING SPORTS
ASSOCIATION,**

15 Plaintiffs and Petitioners,

16 v.

17 **KAMALA HARRIS, in Her Official
18 Capacity as Attorney General for the State
19 of California; STEPHEN LINDLEY, in His
20 Official Capacity as Acting Chief for the
California Department of Justice, BETTY
21 T. YEE, in her official capacity as State
Controller, and DOES 1-10,**

22 Defendants and
23 Respondents.
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Case No. 34-2013-80001667

**DECLARATION OF DAVID HARPER IN
SUPPORT OF DEFENDANTS' BRIEF
REGARDING IN CAMERA DISCOVERY
PROCEEDING**

Date: None
Time: None
Dept: 31
Judge: The Honorable Michael P.
Kenny
Trial Date: None set
Action Filed: October 16, 2013

1 **DECLARATION OF DAVID HARPER**

2 I, David Harper, declare:

3 1. I am employed as the Deputy Director of Administration of the California Department of
4 Justice. As the Deputy Director, my responsibilities include providing administrative direction,
5 policy guidance, and control of the Budget Office, Accounting Office, Departmental Services
6 Programs, and Information Support Services within the Division of Administrative Support. I
7 have reviewed defendants' privilege log in this case and the documents attached thereto and I am
8 familiar with their contents. I have personal knowledge of the facts stated in this declaration,
9 except as to those expressly stated based on my information and belief, and if sworn as a witness I
10 could and would competently testify to these facts.

11 **Privilege Log Items 1, 2, & 3**

12 2. The items numbered 1, 2, and 3 on defendants' privilege log are Budget Office reports.
13 Like all of the documents listed on the privilege log, I am informed and believe that each was
14 located on an internal, secure departmental computer hard drive housing a variety of historical
15 documents. Each document is essentially an issue paper prepared by a DOJ budget analyst who is
16 no longer employed by the Department. Each is an internal report, one that was most likely
17 prepared for the Executive Office in connection with the executive decision-making process
18 regarding the DOJ budget. I am informed and believe that the computer file name for one of the
19 reports (item 3 on the privilege log) includes the phrase "to Steve Coony." Mr. Coony was Chief
20 Deputy Attorney General at the time the report was prepared.

21 **Privilege Log Items 4 & 13**

22 3. Item 4 on the privilege log is a draft letter to a state legislator. I wrote the letter, a draft
23 copy of which is attached to the privilege log. I have looked in my files and have been unable to
24 locate any final, signed copy of the letter. I cannot say for certain that I actually signed and sent
25 the letter in question.

26 4. I am informed and believe that the file name of item 13 on the privilege log contains the
27 phrase "Prior Prior Analyst's Work." The content of the document suggests that it was prepared
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1 for use at a legislative hearing, most likely as notes to be used by a DOJ employee to answer
2 questions at the hearing.

3 **Privilege Log Item 7**

4 5. Item 7 on the privilege log is a one-page draft chart reflecting a point-in-time fiscal
5 analysis. I am informed and believe that it was also located on the computer hard drive
6 referenced above and its file name contains the phrase "Prior Prior Analyst's Work." This
7 description indicates that it is an internal (i.e., non-public) document prepared by a budget analyst
8 who is no longer employed by DOJ. These details, along with the general content of the
9 document suggest that the analyst prepared the document to support DOJ as it considered how to
10 proceed in connection with certain funding issues.

11 **Privilege Log Item 8**

12 6. I am informed and believe that item 8 on the privilege log was also located on the
13 computer hard drive referenced above and its file name contains the phrases "Prior Prior
14 Analyst's Work," "Issue Paper," and "Issue-Bullets." This description indicates that it is an
15 internal document prepared by a budget analyst who is no longer employed by DOJ. These
16 details, along with the general content of the document and the fact that it is written in
17 layperson's terms (as opposed to budget or financial language), also strongly suggest that the
18 analyst prepared the document for the Executive Office as an executive summary or briefing
19 document in support of the one of the above Budget Office reports.

20 **Privilege Log Items 9 & 10**

21 7. Items 9 and 10 on the privilege log include, respectively, a short description of the APPS
22 program and a brief description of the Division of Firearms (as the Bureau of Firearms was
23 formerly known) and various budget "allotments." The content and nature of these documents
24 suggest that they were to be incorporated into a larger budget analysis, such as one of the Budget
25 Office reports mentioned above.

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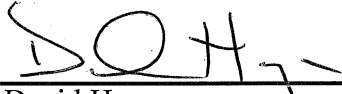
Privilege Log Item 12

8. I am informed and believe that item 12 on the privilege log was located on an internal hard drive in a file named, in relevant part, "Verizon Contract." These notes were most likely drafted by a budget analyst who is no longer employed by DOJ.

Privilege Log Item 14

9. The notes that appear as privilege log item 14 were most likely prepared by a budget analyst no longer employed by DOJ. The referenced conference call was most likely a conference call between staff members of the Budget Office and Executive Office of DOJ.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, on May 4, 2015, in Sacramento, California.



David Harper

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Gentry, David, et al. v. Kamala Harris, et al.**

No.: **34-2013-80001667**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On May 4, 2015, I served the attached **DECLARATION OF DAVE HARPER IN SUPPORT OF DEFENDANTS' BRIEF REGARDING IN CAMERA DISCOVERY PROCEEDING** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Sacramento, California, addressed as follows:

Scott Franklin
Michel & Associates, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, CA 90802

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 4, 2015, at Sacramento, California.

Tracie L. Campbell

Declarant



Signature