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7 Attorneys for Plaintiffs

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

11 LEONARD FYOCK, SCOTT  
HOCHSTETLER, WILLIAM  
12 DOUGLAS, DAVID PEARSON,  
BRAD SEIFERS, and ROD  
13 SWANSON,

14 Plaintiffs

15 vs.

16 THE CITY OF SUNNYVALE, THE  
17 MAYOR OF SUNNYVALE,  
ANTHONY SPITALERI in his  
18 official capacity, THE CHIEF OF  
THE SUNNYVALE DEPARTMENT  
19 OF PUBLIC SAFETY, FRANK  
20 GRGURINA, in his official capacity,  
and DOES 1-10,

21 Defendants.  
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CASE NO: CV13-05807 RMW

DECLARATION OF WILLIAM  
DOUGLAS IN SUPPORT OF  
MOTION FOR PRELIMINARY  
INJUNCTION

**DECLARATION OF WILLIAM DOUGLAS**

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

5 2. I am a current resident of the City of Sunnyvale.

6 3. I am a law-abiding adult who is not prohibited from owning firearms  
7 under the laws of the United States or the state of California. I have never been  
8 found by any law enforcement agency, any court, or any other government agency  
9 to be irresponsible, unsafe, or negligent with firearms in any manner.

10 4. Prior to December 6, 2013, I acquired a magazine capable of holding  
11 more than ten rounds in accordance with state and federal law. This magazine has  
12 not been permanently altered so as to be incapable of accommodating more than 10  
13 rounds, its is not a .22 caliber tube ammunition feeding device, and it is not a  
14 tubular magazine contained in a lever-action firearm. I currently own and possess  
15 this magazine for in-home self-defense.

16 5. Prior to December 6, 2013, I lawfully acquired a magazine capable of  
17 holding twenty rounds for my rifle, with the purpose of using such for target  
18 practice and for in-home self-defense.

19 6. I selected this particular firearm in part because I believe that a rifle with  
20 a magazine capable of holding more than ten rounds is useful for in-home self-  
21 defense.

22 7. I am concerned that if multiple intruders attack me while at home, I will  
23 require the use of more than ten rounds to effectively protect myself and others in  
24 my home.

25 8. I fear that a home intruder will be carrying a firearm with a magazine  
26 capable of holding more than ten rounds, or will be carrying multiple firearms, and  
27 that I will require a firearm with a magazine capable of holding more than ten  
28 rounds to effectively protect myself and others from such a threat in my home.

1           9. I believe that being forced to change my magazine after expending ten  
2 rounds during any critical time that requires me to act in self-defense will impact  
3 my ability to effectively defend myself and others in my home. Should I require  
4 more than ten rounds to neutralize the threat of a home intruder or group of  
5 intruders, I fear that I will be unable to re-load my rifle in time to effectively defend  
6 myself and others in my home.


7           10. Due to the Defendants' enactment of Sunnyvale Municipal Code  
8 (SMC) section 9.44.050, I am prohibited from continuing to possess, within the  
9 City of Sunnyvale, any magazine capable of holding more than ten rounds that has  
10 not been permanently altered so that it cannot accommodate more than 10 rounds, is  
11 not a .22 caliber tube ammunition feeding device, and is not a tubular magazine that  
12 is contained in a lever-action firearm.

13           11. In accordance with SMC section 9.44.050, I intend to cease possessing  
14 any magazine prohibited by SMC section 9.44.050 within the City of Sunnyvale on  
15 or before March 6, 2013.

16           12. But for SMC section 9.44.050, I would immediately and continuously  
17 possess a magazine capable of holding more than ten rounds within the City of  
18 Sunnyvale for lawful purposes, including in-home self-defense. If this court  
19 declares SMC section 9.44.050 invalid or otherwise enjoins its enforcement, I will  
20 continue to possess any magazine prohibited by SMC section 9.44.050 within the  
21 City of Sunnyvale.

22           13. Because SMC section 9.44.050 requires that I cease possessing within  
23 the City of Sunnyvale any magazine prohibited by SMC section 9.44.050, I will be  
24 continuously and irreparably harmed by the ongoing deprivation of my individual,  
25 fundamental right to possess and use commonly possessed firearm magazines for  
26 lawful purposes, including in-home self-defense, without risking criminal  
27 prosecution.  
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1 I declare under penalty of perjury that the foregoing is true and correct.  
2 Executed within the United States on December 19, 2013.

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4 William Douglas, Declarant  
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