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9 Attorneys for Petitioners U.S. Firearms Company LLC, Eric W. Fisher, and  
 10 The National Shooting Sports Foundation, Inc.

11  
 12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 13 **IN AND FOR THE COUNTY OF SANTA CLARA**

14 U.S. FIREARMS COMPANY LLC, a )  
 limited liability company; ERIC W. )  
 15 FISHER; and THE NATIONAL )  
 SHOOTING SPORTS )  
 16 FOUNDATION, INC., a non-profit )  
 trade association, )  
 17 )  
 Petitioners, )  
 18 )  
 v. )  
 19 )  
 CITY OF SUNNYVALE; THE )  
 20 SUNNYVALE CITY COUNCIL; and )  
 DOES 1 through 30, inclusive, )  
 21 )  
 Respondents. )

CASE NO. 113CV257353  
**DECLARATION OF ERIC W. FISHER IN  
 SUPPORT OF MOTION BY PETITIONERS  
 TO SEAL DOCUMENTS SUBMITTED  
 PURSUANT TO ORDER TO SHOW  
 CAUSE RE: PRELIMINARY INJUNCTION**  
 Date: February 11, 2014  
 Time: 9:00 a.m.  
 Dept: 3  
 Judge: Hon. William J. Elfving  
 Action Filed: December 9, 2013  
 Trial Date: None

22  
 23  
 24 Eric W. Fisher declares:

25 1. I am the managing member of U.S. Firearms Company LLC ("U.S.  
 26 Firearms"), a California limited liability company maintaining its sole place of business at  
 27 590 S. Mary Street, Sunnyvale, California 94086.  
 28

1           2.     U.S. Firearms is a closely-held company consisting of two members,  
2 including myself.

3           3.     U.S. Firearms began conducting business in October 2010. Since that date,  
4 I have been involved in all aspects of the day-to-day operations of U.S. Firearms,  
5 including sales of firearms and ammunition.

6           4.     On December 27, 2013, my deposition was taken in this case. In  
7 connection with the deposition, my legal counsel produced four documents to  
8 Respondents' counsel marked "CONFIDENTIAL." These documents are bar charts  
9 reflecting the gross revenues of U.S. Firearms in the years 2010-2013. The bar charts  
10 also identify gross revenues by type of product sold, including firearms and ammunition.

11          5.     During the deposition, I was asked questions about sales fluctuations at  
12 U.S. Firearms, profit margins received on sales of firearms and ammunition,  
13 conversations with customers about reasons for not purchasing ammunition at U.S.  
14 Firearms after Sunnyvale Measure C became effective, and recent purchases of certain  
15 products by the seven customers who have stated under oath in their declarations  
16 submitted in this case that they will no longer purchase ammunition from U.S. Firearms  
17 because of Measure C.

18          6.     U.S. Firearms maintains its financial information in confidence. Financial  
19 information about the revenues of the company, including profit margins on the sale of  
20 firearms and ammunition, sales fluctuations, and amounts sold in each product category,  
21 would disclose U.S. Firearms' pricing and sales strategies and would be helpful to other  
22 sellers of firearms and ammunition competing with U.S. Firearms. Public disclosure of  
23 this internal financial information could also interfere with U.S. Firearms' sales to the  
24 public.

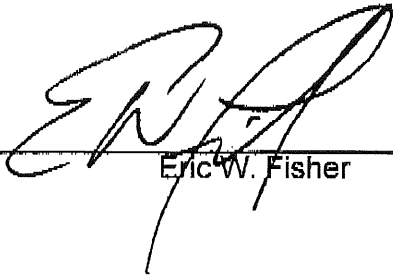
25          7.     My deposition testimony concerning purchases of some products by certain  
26 customers of U.S. Firearms, and the decisions of customers not to purchase because of  
27 Measure C, would invade the customer's right to privacy and could assist competitors in  
28 selling to these customers.

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8. For these reasons, I request that the foregoing confidential information be filed under seal.

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

Executed on January 8, 2014, at Sunnyvale, California.



Eric W. Fisher