

1 C.D. Michel – SBN 144258
Sean A. Brady – SBN 262007
2 Anna M. Barvir – SBN 268728
Matthew D. Cubeiro – SBN 291519
3 MICHEL & ASSOCIATES, P.C.
180 E. Ocean Boulevard, Suite 200
4 Long Beach, CA 90802
Telephone: (562) 216-4444
5 Facsimile: (562) 216-4445
Email: abarvir@michellawyers.com

6 Attorneys for Plaintiffs

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

10 VIRGINIA DUNCAN, et al.,

11 Plaintiffs,

12 v.

13 XAVIER BECERRA, in his official
14 capacity as Attorney General of the State
of California,

15 Defendant.

Case No: 17-cv-1017-BEN-JLB

**DECLARATION OF
CHRISTOPHER WADDELL IN
SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT OR,
ALTERNATIVELY, PARTIAL
SUMMARY JUDGMENT**

Hearing Date: April 30, 2018
Hearing Time: 10:30 a.m.
Judge: Hon. Roger T. Benitez
Courtroom: 5A

DECLARATION OF CHRISTOPHER WADDELL

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2 1. I, Christopher Waddell, 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 and
4 would testify competently to the truth of the matters set forth herein.

5 2. I am a current resident of San Diego County, California.

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 found
8 by any law enforcement agency, any court, or any other government agency to be
9 irresponsible, unsafe, or negligent with firearms in any manner.

10 4. I do not currently own a firearm or magazine capable of holding more
11 than ten rounds of ammunition.

12 5. Due to the authorities' current enforcement of California Penal Code
13 section 32310, I am prohibited from acquiring or possessing, within the state of
14 California, any magazine capable of holding more than ten rounds that has not been
15 permanently altered so that it cannot accommodate more than ten rounds, is not a .22
16 caliber tube ammunition feeding device, and is not a tubular magazine that is
17 contained in a lever-action firearm, as I do not qualify for any of the limited
18 exceptions to section 32310's restrictions.

19 6. But for the authorities' current enforcement of California Penal Code
20 section 32310, I would immediately acquire and continuously possess a magazine
21 capable of holding more than ten rounds within the state of California for in-home
22 self-defense to effectively protect myself and others from a threat that cannot be
23 effectively neutralized with ten or fewer rounds, such as multiple armed home-
24 intruders. I would also immediately acquire and continuously possess such a magazine
25 for other lawful purposes, including to properly train for such defensive situations.
26 Having to change a magazine after expending ten rounds during a continuing self-
27 defense situation not only slows my ability to respond to the threat such that I may be
28 unable to re-load my firearm in time to effectively defend myself and others in my

1 home, but it also requires me to always have an additional magazine on hand, which is
2 not always feasible.

3 7. If this court declares California Penal Code section 32310 invalid or
4 otherwise enjoins its enforcement, I will immediately acquire and continue to possess
5 a magazine capable of holding more than ten rounds within the state of California for
6 in-home self-defense and those other lawful purposes, to the extent permitted by law.

7 I declare under penalty of perjury that the foregoing is true and correct.

8 Executed within the United States on March 5, 2018.

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Christopher Waddell
Declarant