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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 DAVID
MARGUGLIO 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 DAVID MARGUGLIO

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2 1. I, David Marguglio, am a plaintiff in the above-entitled action. I make this
3 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 under
7 the laws of the United States or the state of California. I have never been found by any
8 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 magazine capable of holding more than ten rounds.

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

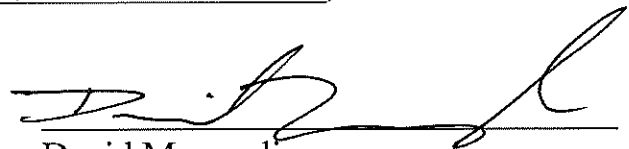
18 6. But for the authorities' current enforcement of California Penal Code section
19 32310, I would immediately acquire and continuously possess a magazine capable of
20 holding more than ten rounds within the state of California for lawful recreational and
21 competitive shooting, as well as in-home self-defense to effectively protect myself and
22 others from a threat that cannot be effectively neutralized with ten or fewer rounds,
23 such as multiple armed home-intruders. I would also immediately acquire and
24 continuously possess such a magazine for other lawful purposes, including to properly
25 train for such defensive situations. I have first-hand knowledge of how the additional
26 time and dexterity required to change a magazine after expending ten rounds is
27 detrimental in a competitive shooting situation. With the added element of stress,
28 having to change a magazine after expending ten rounds during a continuing self-

1 defense situation not only slows my ability to respond to the threat such that I may be
2 unable to re-load my firearm in time to effectively defend myself and others in my
3 home, but it also requires me to always have an additional magazine on hand, which is
4 not always feasible.

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

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

10 Executed within the United States on March 1, 2018.

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13 David Marguglio
14 Declarant
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