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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 PATRICK  
LOVETTE 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 PATRICK LOVETTE**

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2 1. I, Patrick Lovette, 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  
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. Prior to January 1, 2000, in accordance with state and federal law, I  
11 acquired an ammunition feeding device capable of holding more than ten rounds that  
12 meets the definition of a "large capacity magazine" under California Penal Code  
13 section 16740.

14 5. I have never been arrested for, charged with, or found guilty of using this  
15 or any magazine in an unlawful, unsafe, or negligent manner.

16 6. I originally selected, and currently still own and possess, this magazine  
17 for only lawful purposes, especially for self-defense training, target practice, and in-  
18 home self-defense to effectively protect myself and others from a threat that cannot be  
19 effectively neutralized with ten or fewer rounds, such as multiple armed home-  
20 intruders.

21 7. In my experience as a certified firearms instructor, to change a magazine  
22 after expending ten rounds during a continuing self-defense situation would not only  
23 slow my ability to respond to the threat such that I may be unable to re-load my  
24 firearm in time to effectively defend myself or others in my home, but it would also  
25 require me to always have an additional magazine on hand, which is not always  
26 feasible.

27 8. Enforcement of California Penal Code section 32310's general ban on the  
28 possession of "large capacity magazines" would require me to dispossess myself of

1 my magazine capable of holding more than ten rounds while within the state of  
2 California, as I do not qualify for any of the exceptions to section 32310's restriction  
3 and my magazine has not been permanently altered so that it cannot accommodate  
4 more than ten rounds, is not a .22 caliber tube ammunition feeding device, and is not a  
5 tubular magazine that is contained in a lever-action firearm.

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

13 10. But for the enforcement of California Penal Code section 32310  
14 precluding me from doing so, I would continuously possess my lawfully acquired  
15 magazine capable of holding more than ten rounds within the state of California for  
16 lawful purposes, including in-home self-defense, and would immediately acquire  
17 more such magazines for the same lawful purposes.

18 11. If this Court declares California Penal Code section 32310 invalid or  
19 otherwise enjoins its enforcement, I will continue to possess the "large capacity  
20 magazine" I currently own and possess, and I will immediately acquire additional  
21 magazines capable of holding more than ten rounds within the state of California for  
22 in-home self-defense and other lawful purposes, to the extent permitted by law.

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1           12. If this Court does not declare California Penal Code section 32310  
2 invalid or otherwise enjoin its enforcement, I will immediately dispossess myself of  
3 any "large capacity magazine" I currently possess while within the State of California.

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

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

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9 Patrick Lovette  
10 Declarant  
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