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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 VIRGINIA  
DUNCAN 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 VIRGINIA DUNCAN**

1  
2 1. I, Virginia Duncan, 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. I do not currently own an ammunition magazine capable of holding more  
11 than ten rounds.

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, as  
26 well as for use in the course of my work in predator management, as discharging more  
27 than ten rounds can be necessary to effectively stop certain pack-hunting predators,  
28 like coyotes, from attempting to attack people or the livestock I protect as a service to

1 landowners, including ranchers and farmers. Having to change a magazine after  
2 expending ten rounds during a continuing self-defense situation not only slows my  
3 ability to respond to the threat such that I may be unable to re-load my firearm in time  
4 to effectively defend myself and others in my home, but it also requires me to always  
5 have an additional magazine on hand, which is not always feasible. The same applies  
6 to my depredation work.

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

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

12 Executed within the United States on February 28, 2018.

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15 Virginia Duncan  
16 Declarant  
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