

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
5 Telephone: (562) 216-4444
Facsimile: (562) 216-4445
6 Email: abarvir@michellawyers.com

7 Attorneys for Plaintiffs

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

11 VIRGINIA DUNCAN, et al.,
12
13 Plaintiffs,
14
15 v.

16 XAVIER BECERRA, in his official
capacity as Attorney General of the
State of California,
17
18 Defendant.

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

**DECLARATION OF ANNA M.
BARVIR**

DECLARATION OF ANNA M. BARVIR

1
2 1. I, Anna M. Barvir, am an attorney at the law firm Michel & Associates,
3 P.C., attorneys of record for Plaintiffs in this action. I am licensed to practice law
4 before the United States District Court for the Southern District of California. I am
5 also admitted to practice before the Eastern, Central, and Northern Districts of
6 California, the courts of the state of California, the Supreme Court of the United
7 States, and the D.C., Fourth, Ninth, and Tenth Circuit Courts of Appeals. I have
8 personal knowledge of the facts set forth herein and, if called and sworn as a
9 witness, could and would testify competently thereto.

10 2. On April 1, 2019, counsel for Defendants, Mr. John D. Echeverria,
11 called my office and left voicemail, informing me that his clients intended to file an
12 ex parte application to stay the judgment in this case pending an appeal to the Ninth
13 Circuit. Minutes later, Mr. Echeverria called my co-counsel, Sean A. Brady, to
14 discuss the matter further.

15 3. Later that day, Mr. Echeverria called my office again. Speaking with
16 me and Mr. Brady, Mr. Echeverria confirmed that he would be filing an ex parte
17 application with the Court that afternoon. He elaborated that he would be seeking an
18 immediate stay of the judgment to last until this Court could fully consider the
19 parties' arguments and rule on a stay that would remain in place during the pendency
20 of the State's appeal. We discussed Plaintiffs' position and the reasons for Plaintiffs'
21 opposition. We agreed that Plaintiffs would file an opposition to the immediate,
22 temporary stay as early as the evening of April 1, 2019, but no later than the
23 afternoon of April 2, 2019. We also agreed that Plaintiffs would file an opposition to
24 the more-permanent stay on or before Wednesday, April 3, 2019.

25 4. Defendants filed their Ex Parte Application to Stay Judgment Pending
26 Appeal on April 1, 2019. In support of that application, they filed the Declaration of
27 John D. Echeverria, Deputy Attorney General with the California Department of
28 Justice. As noted in Mr. Echeverria's declaration, following the Court's Order

1 Granting Plaintiffs’ Motion for Summary Judgment, out-of-state retailers began
2 accepting orders for magazines capable of accepting more than ten rounds of
3 ammunition. Defendants included as an exhibit a social media post from Palmetto
4 State Armory supporting that claim.

5 5. On April 2, 2019, Plaintiffs filed an opposition to that portion of
6 Defendants’ ex parte application seeking the immediate, temporary stay. As part of
7 that opposition, Plaintiffs argued that should the judgment be stayed immediately,
8 even if only temporarily, countless law-abiding Californians who have already
9 ordered magazines capable of holding more than 10 rounds, but have not yet
10 received them, would be unjustly subjected to severe criminal penalties without
11 notice.

12 6. Defendants filed a Response to Plaintiffs’ Opposition the same day. In
13 their Response, Defendants argue that Plaintiffs offered “no evidence that there are
14 any Californians who have either ordered or are currently in possession of”
15 magazines capable of holding more than 10 rounds in reliance on this Court’s March
16 29, 2019 Order.

17 7. On April 3, 2019, my office contacted representatives of Palmetto State
18 Armory (“PSA”). PSA representatives informed Plaintiffs’ counsel that PSA had
19 sold significant quantities of magazines capable of holding more than 10 rounds to
20 California. Due to the extremely tight deadlines under which the parties are litigating
21 this issue and due to the limitations of PSA’s software, Plaintiffs are unable to
22 provide PSA’s exact figures at this time, but we will file a supplemental declaration
23 as soon as those numbers are available—probably as early as Thursday, April 4,
24 2019.

25 8. In addition to contacting representatives of PSA, my office has been
26 contacted by several firearm-related businesses and individuals regarding this
27 Court’s March 29, 2019 Order and its effect. Many of these businesses and
28

1 individuals have told us that they have either begun selling and shipping or had
2 already purchased magazines capable of holding more than 10 rounds.

3 9. Attached hereto as **Exhibit 1** is a true and correct copy of an article
4 posted on Ammoland.com titled "*Companies Crushed with Heavy Demand for Gun*
5 *Magazines from California*," posted on April 2, 2019, by John Crump.
6 [https://www.ammoland.com/2019/04/companies-hit-with-heavy-demand-for-](https://www.ammoland.com/2019/04/companies-hit-with-heavy-demand-for-magazines-from-california/#axzz5k3kBB0MP)
7 [magazines-from-california/#axzz5k3kBB0MP](https://www.ammoland.com/2019/04/companies-hit-with-heavy-demand-for-magazines-from-california/#axzz5k3kBB0MP).

8 10. Attached hereto as **Exhibit 2** is a true and correct copy of an article
9 titled "*Sales Soar After Judge Rules California's Decades Long Ban On High-*
10 *Capacity Ammunition Magazines 'Unconstitutional'*" by Christina Fan and posted
11 online at [https://abc30.com/society/sales-soar-after-ban-on-high-capacity-](https://abc30.com/society/sales-soar-after-ban-on-high-capacity-ammunition-ruled-unconstitutional-/5231610/)
12 [ammunition-ruled-unconstitutional-/5231610/](https://abc30.com/society/sales-soar-after-ban-on-high-capacity-ammunition-ruled-unconstitutional-/5231610/) on April 3, 2019.

13 I declare under penalty of perjury that the foregoing is true and correct.
14 Executed with the United States on April 3, 2019.

15 s/ Anna M. Barvir

16 Anna M. Barvir

17 Declarant
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EXHIBIT 1



AMMOLAND
SHOOTING SPORTS NEWS



MENU

Home » Shooting Industry News

Companies Crushed With Heavy Demand For Gun Magazines From California

Ammoland Inc. Posted on April 2, 2019 by John Crump



Companies Crushed With Heavy Demand For Gun Magazines From California

U.S.A. —(Ammoland.com)- Since Friday's landmark court decision that legalized magazines holding more than ten rounds in California buyers have been going crazy with purchases.

Most online retailers have resumed the sales of magazines of all sizes to the people of the Golden State. **Rainier Arms** has seen a significant uptick in traffic with most sales being for the Magpul Gen2 30 round magazine. This increase in internet transactions has even crashed Rainier Arms payment processing server.

“We received such an overwhelming surge of sales over the weekend, it actually crashed our merchant services, the website was fine, but our payment services were so overwhelmed it crashed,” said Aristotle Bartolome of Rainier Arms. “With that said, we closed out a very strong weekend, and even with the chaos, we’re currently 48 hours behind on getting all of the weekend orders caught up and adjusting staffing to better support our customers getting their orders quicker.”



SHIPPING TO CA 10 MAGPUL 30-Round PMAG GEN M2 Magazines Cart Check

California residents are in a rush to buy up magazines before the state can appeal U.S. District Judge Roger Benitez's decision to the Ninth Circuit Court. The judge's decision stunned the California Attorney General and the gun community as well. It went further than either side anticipated.

One California resident, Adelaide Golden, told me that she thinks that all gun owners in the state need to take advantage of the opportunity to purchase standard compacity magazines while they are shipping to the state.

“In a national and local environment that is increasingly hostile to responsible gun owners, it’s important to take advantage of opportunities that present,” Golden said. “With the overturn of unconstitutional limits on magazine sizes, I, as a California resident, can finally have standard size magazines that can make a small difference at the range and a huge difference if I’m ever forced to defend myself or my home.”

Some gun owners were worried that the price of magazines would increase with the potential run on the product. Primarily this increase in price hasn't happened. In fact, a lot of websites are running deals for California residents. Companies are there to make a profit, but it seems like a lot of companies are taking this opportunity to spread the message of liberty.

Brownells is trying to flood California with AR15 magazines. The firearms retailer is currently selling 10 packs of 30 round Magpul GEN2 magazines for \$99.99 which saves the residents \$30.

Elite Tactical Components are also helping out the people of the state but are focusing on the AK market. That site is selling blem 30 round XTech MAG47 magazines for only \$10. The deal is just for residents of California.

In a statement released to AmmoLand Elite Tactical Components said: “Elite Tactical Components is excited to do our part in getting standard capacity freedom into the hands of Californians!”

Natchez Shooters Supplies sold out of a lot of magazines due to the increase in sales from California. When the ruling came down, they put together an email to send out to their customers. Business was so brisk for the company that they had to redesign the email due to selling out of a lot of their magazine products that were going to be featured in the email.

There is no telling how many magazines retailers have shipped to California since the judge lifted the ban on the sale of standard capacity magazines. One sure thing is that residents of the state are taking advantage of the new ability to defend themselves by buying 10+ round magazines at a record pace.

About John Crump

John is a NRA instructor and a constitutional activist. He is the former CEO of Veritas Firearms, LLC and is the co-host of The Patriot News Podcast which can be found at www.blogtalkradio.com/patriotnews. John has written extensively on the patriot movement including 3%'ers, Oath Keepers, and Militias. In addition to the Patriot movement, John has written about firearms, interviewed people of all walks of life, and on the Constitution. John lives in Northern Virginia with his wife and sons and is currently working on a book on [leftist deplatforming methods](#) and can be followed on Twitter at [@crumpyss](#), on Facebook at [realjohncrump](#), or at www.crumpy.com.



EXHIBIT 2

GUN LAWS

Sales soar after judge rules California's decades long ban on high-capacity ammunition magazines 'unconstitutional'

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Ammunition stores are eagerly welcoming back California customers after the state's nearly twenty-year ban on high capacity magazines.

By [Christina Fan](#)

Updated 3 hours ago

FRESNO, Calif. (KFSN) -- The ads are popping up everywhere.

Gun stores are eagerly welcoming back California customers after the state's nearly twenty-year ban on certain ammunition magazines was declared unconstitutional.

"Immediately we had people calling us and asking us do you have standard capacity magazines, can we buy them are they legal,"

The flood of questions started last Friday when a U.S. District Court declared Proposition 63 unconstitutional.

The voter-approved measure banned the possession of magazines holding more than ten bullets. The law calls the magazines "large-capacity," but they are often the standard size for those guns.

RELATED: Judge blocks California's high-capacity ammunition ban

Sheriff Margaret Mims was never a supporter.

"Because gang members, human traffickers, they aren't going to follow any kind of law that restricts their firepower," Mims said. "So the only people that would follow the law are law abiding citizens."

The ruling has prompted a massive shipment of high-capacity magazines to California.

Local shooting ranges like the Firing Line can't even get the inventory, but the owner doesn't seem to mind.

"This is absolutely is a win for second amendment supporters, this is a win for the constitution, this is a win for freedom in America," Belemjian said.

The ruling already faces challenges though.

California's attorney general intends to appeal it and has already asked a federal judge to delay implementation.

Report a correction or typo

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CERTIFICATE OF SERVICE

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Duncan, et al. v. Becerra*

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

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

I have caused service of the following documents, described as:

DECLARATION OF ANNA M. BARVIR

on the following parties by electronically filing the foregoing on April 3, 2019, with the Clerk of the District Court using its ECF System, which electronically notifies them.

John D. Echeverria
Deputy Attorney General
john.echeverria@doj.ca.gov
300 South Spring Street, Suite 1702
Los Angeles, CA 90013

Anthony P. O'Brien
Deputy Attorney General
anthony.obrien@doj.ca.gov
1300 I Street, Suite 125
Sacramento, CA 95814

I declare under penalty of perjury that the foregoing is true and correct.
Executed on April 3, 2019, at Long Beach, CA.

s/ Laura Palmerin
Laura Palmerin