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17 **UNITED STATES DISTRICT COURT**  
18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 B & L PRODUCTIONS, INC., d/b/a  
20 CROSSROADS OF THE WEST;  
21 BARRY BARDACK; RONALD J. DIAZ,  
22 SR.; JOHN DUPREE; CHRISTOPHER  
23 IRICK; LAWRENCE WALSH;  
24 MAXIMUM WHOLESALE, INC., d/b/a  
25 AMMO BROS.; CALIFORNIA RIFLE &  
26 PISTOL ASSOCIATION,  
27 INCORPORATED; SOUTH BAY ROD  
28 AND GUN CLUB, INC.; and SECOND  
AMENDMENT FOUNDATION,

Plaintiffs,

v.

22nd DISTRICT AGRICULTURAL  
ASSOCIATION; STEVE  
SHEWMAKER, President of 22nd  
District Agricultural Association, in his  
official and individual capacity;  
RICHARD VALDEZ, Vice President of  
22nd District Agricultural Association, in  
his official and individual capacity;  
KAREN ROSS, Secretary of California  
Department of Food & Agriculture, in her  
official capacity; DOES 1-50,

Defendants.

CASE NO: 3:19-cv-00134-CAB-NLS

**DECLARATION OF ANNA M.  
BARVIR; EXHIBITS 2 - 23**

[Filed concurrently with Memorandum of Points and Authorities in Opposition to Defendants' Motion to Dismiss and in Support of Plaintiffs' Motion for Summary Judgment, Request for Judicial Notice, and the Declarations of Tiffany D. Chevront, Philip Y. Okita, Tracy Olcott, Barry Bardack, Ronald J. Diaz, Sr., John Dupree, Christopher Irick, Lawrence Walsh, Shaun Redmon, Richard Travis, Jon Sivers, and Alan Gottlieb]

Date: May 1, 2019  
Judge: Hon. Cathy Ann Bencivengo  
Action Filed: January 21, 2019

**DECLARATION OF ANNA M. BARVIR**

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

10 2. On or about April 17, 2019, I visited [www.delmarfairgrounds.com](http://www.delmarfairgrounds.com), a  
11 website copyrighted and operated by the Del Mar Fairgrounds. From there, I viewed,  
12 saved, and printed the site’s landing page titled “Facilities.” A true and correct copy  
13 of the Del Mar Fairgrounds website “Facilities” page is attached as **Exhibit 2**.

14 3. On or about April 17, 2019, I visited [www.delmarfairgrounds.com](http://www.delmarfairgrounds.com), a  
15 website copyrighted and operated by the Del Mar Fairgrounds. From there, I viewed,  
16 saved, and printed the site’s landing page titled “About Us.” A true and correct copy  
17 of the Del Mar Fairgrounds website “About Us” page is attached as **Exhibit 3**.

18 4. On or about June 22, 2018, my office sent a request for records under  
19 California’s Public Records Act (“PRAR”) to Sheriff William Gore of the San Diego  
20 County Sheriff’s Department. A true and correct copy of my office’s June 22, 2018  
21 PRAR request is attached as **Exhibit 4**.

22 5. On or about July 11, 2018, Sheriff Gore sent my office a letter and 35  
23 pages of documents in response to the June 22, 2018 PRAR request. The responsive  
24 documents include reports and safety plans for the March 17-18, 2018 Crossroads of  
25 the West Gun Show held at the Venue. In the ordinary course of business, my  
26 administrative assistant would have immediately saved the PRAR response in our  
27 firm’s electronic document management system, IMANAGE. On or about April 17,  
28 2019, I viewed, pulled, and printed Sheriff Gore’s June 22, 2018 PRAR Response

1 from IMANAGE. A true and correct copy of Sheriff Gore's June 22, 2019 PRAR  
2 response is attached as **Exhibit 5**.

3 6. On or about September 17, 2018, my office sent a PRAR to Donna  
4 O'Leary with the 22nd District Agricultural Association. A true and correct copy of  
5 my office's September 17, 2018 PRAR request is attached as **Exhibit 6**.

6 7. In response to the September 17, 2018 PRAR, Ms. O'Leary sent my  
7 office emails dated October 4, 2018 and October 12, 2018, each with documents  
8 attached. In the ordinary course of business, my administrative assistant would have  
9 immediately saved the PRAR response in our firm's electronic document  
10 management system, IMANAGE. On or about April 17, 2019, I viewed, pulled, and  
11 printed from IMANAGE various pages from the documents attached to Ms.  
12 O'Leary's October 4, 2018 and October 12, 2018 email communications.

13 8. Attached to the District's October 4, 2018 PRAR response was a copy of  
14 communications between Rose and Ira Sharpe (leaders of the gun-control advocacy  
15 group, Never Again) and members of the 22nd District Agricultural Association.  
16 Also attached to the District's October 4, 2018 PRAR response were copies of about  
17 77 form letters promoted by Never Again. A true and correct copy of these  
18 communications is attached as **Exhibit 7**.

19 9. Attached to the District's October 4, 2018 PRAR response was a copy of  
20 the District Contract Committee Recommendations from the September 11, 2018  
21 District Board Meeting. A true and correct copy of the District Contract Committee  
22 Recommendations is attached as **Exhibit 8**.

23 10. Attached to the District's October 4, 2018 PRAR response was a copy  
24 of the District Contract Committee PowerPoint presentation from the September 11,  
25 2018 District Board Meeting. A true and correct copy of the District Contract  
26 Committee PowerPoint presentation from the September 11, 2018 District Board  
27 Meeting is attached as **Exhibit 9**.

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1 11. Attached to the District's October 4, 2018 PRAR response was a copy of  
2 an April 23, 2018 letter from then-Lieutenant-Governor Gavin Newsom to the 22nd  
3 District Agricultural Association urging the board members to ban gun shows at the  
4 Del Mar Fairgrounds. A true and correct copy of Newsom's April 23, 2018 letter is  
5 attached as **Exhibit 10**.

6 12. Attached to the District's October 4, 2018 PRAR response was a copy of  
7 an August 24, 2018 letter from Defendant Stephen Shewmaker to Newsom. A true  
8 and correct copy of Shewmaker's August 24, 2018 letter is attached as **Exhibit 11**.

9 13. Attached to the District's October 4, 2018 PRAR response was a copy of  
10 the transcript of proceedings at the April 24, 2018 board meeting of the 22nd District  
11 Agricultural Association. A true and correct copy of April 24, 2018 meeting  
12 transcript is attached as **Exhibit 12**.

13 14. Attached to the District's October 12, 2018 PRAR response was a copy  
14 of *Gun Shows Do Not Belong at Del Mar Fairgrounds*, a commentary by Rose Ann  
15 Sharp of Never Again California sent to members of the 22nd District Agricultural  
16 Association by Board Member Lee Haydu. The commentary references Newsom's  
17 comments, stating that "Newsom, the leading candidate for Governor, told the fair  
18 board he is against gun shows on state property. If elected, he can end this practice by  
19 replacing members of the fair board." I understand these statements to be a political  
20 threat to board members that they must end gun shows or lose their job. A true and  
21 correct copy of *Gun Shows Do Not Belong at Del Mar Fairgrounds* is attached as  
22 **Exhibit 13**.

23 15. On or about October 2, 2018, my office sent another PRAR to Ms.  
24 O'Leary with the 22nd District Agricultural Association. A true and correct copy of  
25 my office's October 2, 2018 PRAR request is attached as **Exhibit 14**.

26 16. On or about October 19, 2018, Ms. O'Leary sent responsive documents  
27 to my office. In the ordinary course of business, my administrative assistant would  
28 have immediately saved the PRAR response in our firm's electronic document

1 management system, IMANAGE. On or about April 17, 2019, I viewed, pulled, and  
2 printed from IMANAGE various pages from the documents attached to Ms.  
3 O’Leary’s October 19, 2018 PRAR response.

4 17. Attached to the District’s October 19, 2018 PRAR response was a copy  
5 of the Bylaws for the 22nd District Agricultural Association and the District’s  
6 Mission Statement. A true and correct copy of the Bylaws for the 22nd District  
7 Agricultural Association and the District’s Mission Statement is attached as **Exhibit**  
8 **15**.

9 18. Attached to the District’s October 19, 2018 PRAR response was a copy  
10 of the transcript of proceedings at the May 22, 2018 board meeting of the 22nd  
11 District Agricultural Association. A true and correct copy of May 22, 2018 meeting  
12 transcript is attached as **Exhibit 16**.

13 19. Attached to the District’s October 19, 2018 PRAR response was a copy  
14 of the transcript of proceedings at the August 14, 2018 board meeting of the 22nd  
15 District Agricultural Association. A true and correct copy of August 14, 2018  
16 meeting transcript is attached as **Exhibit 17**

17 20. Attached to the District’s October 19, 2018 PRAR response was a copy  
18 of the transcript of proceedings at the September 11, 2018 board meeting of the 22nd  
19 District Agricultural Association. A true and correct copy of September 11, 2018  
20 meeting transcript is attached as **Exhibit 18**.

21 21. On or about September 11, 2018, my office received a copy of the Gun  
22 Show Policy Report from Timothy J. Fennel, CEO, as part of the handouts package  
23 prepared for the September 11, 2018 board meeting of the 22nd District Agricultural  
24 Association District. In the ordinary course of business, my administrative assistant  
25 would have immediately saved the document in our firm’s electronic document  
26 management system, IMANAGE. On or about April 17, 2019, I viewed, pulled, and  
27 printed the September 11, 2018 Gun Show Policy Report from IMANAGE. A true  
28 and correct copy is attached as **Exhibit 19**.

1           22. On or about September 11, 2018, my office received a copy of a report  
2 from Patrick J. Kerins, Public Safety Director, as part of the handouts package  
3 prepared for the September 11, 2018 board meeting of the 22nd District Agricultural  
4 Association District. In the ordinary course of business, my administrative assistant  
5 would have immediately saved the document in our firm's electronic document  
6 management system, IMANAGE. On or about April 17, 2019, I viewed, pulled, and  
7 printed Mr. Kerins' report from IMANAGE. A true and correct copy is attached as  
8 **Exhibit 20.**

9           23. On or About March 19, 2019, my office was notified that Never Again  
10 California founders may be engaged in unregistered lobbying of state officials  
11 through letters to the California Assembly Public Safety Committee. One such letter  
12 authored by Never Again California co-founder, Ira Sharp, evinced support for AB  
13 893 (Gloria), a bill to end gun shows at Del Mar Fairgrounds. A true and correct copy  
14 of the Sharp's March 19, 2019 support letter is attached as **Exhibit 21.**

15           24. My office continually monitors the Never Again California website at  
16 <https://neveragainca.blogspot.com/p/ventura-gun-show.html>. We are particularly  
17 interested in the group's lobbying efforts aimed at pressuring officials to end gun  
18 shows at Del Mar Fairgrounds and elsewhere. A true and correct copy of Never  
19 Again California's anti-gun-show advocacy plan is attached as **Exhibit 22.** The  
20 website was last visited on April 17, 2019.

21           25. On or about April 17, 2019, I visited [www.cdfa.ca.gov](http://www.cdfa.ca.gov), the official  
22 website of the California Department of Food & Agriculture. From there, I accessed a  
23 copy of California Department of Food & Agriculture, Legal Office, *Guide to the*  
24 *Bagley-Keene Open Meeting Act* (May 2017). A true and correct copy of CDFA's  
25 *Guide to the Bagley-Keene Open Meeting Act* is attached as **Exhibit 23.**

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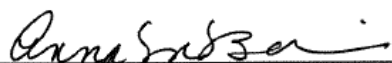
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1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed within the United States on April 17, 2019.

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Anna M. Barvir  
Declarant



**CERTIFICATE OF SERVICE**  
IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *B & L Productions, Inc., et al. v. 22nd District Agricultural Association, et al.*

Case No.: 3:19-cv-00134 CAB (NLS)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**DECLARATION OF ANNA M. BARVIR**

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

Xavier Becerra  
Attorney General of California  
Paul Stein  
Supervising Deputy Attorney General  
Joshua M. Caplan  
Deputy Attorney General  
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*Attorneys for Defendants*

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

Executed April 17, 2019.

/s/ Laura Palmerin  
Laura Palmerin