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Attorney for Plaintiff Second Amendment Foundation

12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

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

25 Plaintiffs,

26 v.

27 22nd DISTRICT AGRICULTURAL
28 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 TIFFANY D.
CHEUVRONT**

[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 Anna M. Barvir, 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 TIFFANY D. CHEUVRONT

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2 1. I, Tiffany D. Chevront, am an attorney at the law firm Michel &
3 Associates, P.C., attorneys of record for plaintiffs in this action. I am licensed to
4 practice law before the United States District Court for the Southern District of
5 California. I have personal knowledge of the facts set forth herein and, if called and
6 sworn as a witness, could and would testify competently thereto.

7 2. I have over 20 years of experience working with government bodies in
8 passing legislation and taking government actions.

9 3. On or about March 13, 2018, I learned, through my regular duties as an
10 attorney at Michel & Associates, P.C., that the 22nd District Agricultural Association
11 (“the District”) was entertaining comments from the public about gun shows being
12 held at the Del Mar Fairgrounds (“the Venue”). This was during the general public
13 comment time at the March 13, 2018 District board meeting. The District adopted a
14 policy at the March 13, 2018 meeting to approve any contracts that may be
15 controversial in nature.

16 4. On or about April 24, 2018, I learned that the District once again had
17 members of Never Again California, a gun-control advocacy group, offer public
18 comments about a non-agendized item. I also learned that Never Again had
19 submitted letters to the District, opposing gun shows at the Venue. I also learned that
20 members of Never Again had also requested financial records and vendor lists for
21 two pro-gun groups (Crossroads of the West Gun Shows and San Diego County Gun
22 Owners) that rent space at the Venue. The Community Relations Committee also
23 noted in its report that they had discussed gun shows. I thought all of this activity
24 was a bit odd and decided to follow meetings closer.

25 5. On or about August 14, 2018, I witnessed members of the Never Again
26 made statements at a District board meeting. I found her comments to be a vile
27 attempt to personally attack the family that produces the Crossroads of the West Gun
28 Show. Never Again co-founder, Rose Ann Sharp, claimed that members of the

1 family had been conducting business illegally and that the process through which the
2 California Department of Justice (“DOJ”) approves gun show promoter licenses
3 was, in her mind, insufficient. Her comments made clear that she did not like the
4 process, so she tried to damage the reputation of the family that operates the gun
5 shows at the Venue in her quest to get the gun shows banned.

6 6. The comments made at the August 14, 2018 meeting by Ms. Sharp set
7 off a series of events that forced B & L Productions, Inc., to expend resources to
8 prove that after 30 years they were doing everything correctly. The attorney for the
9 District finally admitted in later meetings at another fair board that no evidence had
10 been produced showing that Crossroads was doing anything outside of required
11 compliance.

12 7. When Ms. Sharp and Never Again were unsuccessful in smearing the
13 Crossroads family members, they signed on to a letter sent by the Brady Campaign
14 to DOJ, requesting an investigation into the family that runs the Crossroads of the
15 West Gun Show. As counsel for B & L Productions, I received a copy of that letter.
16 And, of course, I wrote to DOJ to defend my client and ask whether an investigation
17 was pending. DOJ did not reply to either letter, yet I witnessed Never Again
18 representatives at board meetings of the District (and other fair boards across the
19 state) falsely claim that B & L was the target of an ongoing investigation.

20 8. Crossroads of the West Gun Shows has never, to this day, been found to
21 be out of compliance with applicable federal, state, and local rules and regulations.
22 But the District never made follow-up comments to assure the public that Crossroads
23 was following all laws in the production of the shows. I wrote letters to the Board
24 and provided evidence in support of their compliance.

25 9. Sometime between August 14, 2018, and the September 11, 2018
26 District board meeting, an ad hoc committee took over the task of investigating
27 whether gun shows should be permitted to continue taking place at the Venue. The
28 ad hoc committee was made up of just Defendants Stephen Shewmaker and David

1 Valdez, both District board members. Neither I nor my client, B & L Productions,
2 were ever contacted by the ad hoc committee as they determined what its
3 recommendations to the District would be. I understood the use of the ad hoc
4 committee to be an intentional abuse of power because the committees can do what
5 they want with no transparency and they can move faster because they do not have
6 the time-restraints that come from having to notice public meetings for a specific
7 number of days.

8 10. I attended the September 11, 2018 District board meeting and witnessed
9 the ad hoc committee present their recommendations to the Board. The presentation
10 was nothing more than a PowerPoint presentation, which to my knowledge was not
11 handed out before the meeting to members of the public. The first time I saw the
12 recommendations were when they appeared on the screen at the front of the room. I
13 believe that the recommendations were in the board packets that the board members
14 had, but they were not copied for the public.

15 11. The ad hoc committee presented their recommendations with no
16 findings that guns shows at the Venue presented any unique risk to public safety. In
17 fact, they allowed the remaining gun shows for 2018 with contracts already in place
18 to take place. Valdez moved to adopt the recommendations, and Director Watson
19 seconded, even though no member of the public had been given time to review the
20 documents before to the meeting.

21 12. Public comment commenced and there were about even numbers of
22 gun-show supporters gun-show opponents in the room. The comments were limited
23 to one minute and went on for hours. I provided my own comments about the false
24 statements that had been made to the District during public comments and the fact
25 that B & L had done everything they should be doing to be legally compliant. I also
26 spoke to the fact that one accidental discharge of a gun in over 30 years of
27 promoting the gun show does not make for a safety concern at gun shows.

28 13. After the public comments ended, Defendant Shewmaker spoke about

1 his personal experiences with gun violence and how he had “drank the Kool-Aid”
2 when it came to gun shows. Shewmaker questioned whether items sold at gun shows
3 were legal, (falsely) implying that gun show vendors have sold illegal items.
4 Shewmaker spoke of crime and other incidents at gun shows, only to be told later
5 that many of those incidents did not happen at the gun shows and some even
6 happened at the quilting shows—he was completely uninformed. Shewmaker
7 worked overtime to discredit pro-gun groups for their activities but said nothing of
8 the unregistered lobbying by Never Again that was going on right under his watch.

9 14. The Director of Security for the District was asked to speak by one of
10 the Board members. He had prepared a report in 2016 stating that he had worked
11 with law enforcement and that both he and law enforcement believed that
12 Crossroads was doing everything they should be doing, and they were and had been
13 in compliance for years. He noted in his public comment that the crimes referred to
14 by Shewmaker were not all from the gun shows, but from all of the events held at
15 the fairgrounds and most could not be attributed to the gun show. He also talked
16 about the safety plans that were already in place for the gun shows and how those
17 met all state law requirements.

18 15. Once District board members finished making their comments, the
19 District voted 8-to-1 to accept the recommendations of the ad hoc committee and
20 end gun shows for 2019 while they “study” what should be done. In my experience
21 as a former lobbyist and advocate, the process of how this vote was taken was
22 uncharacteristic of how legislative bodies generally conduct themselves. Typically, a
23 board taking action on a topic will accept documents or recommendations from the
24 advisory committee and then notice the general public for the next meeting to
25 consider the information. The fact that the District accepted the report and took
26 action on it in the same meeting, without giving the public time to review and
27 adequately comment, is highly unusual. Additionally, after an action is taken by a
28 board it is standard practice that the action be placed in memorialized in writing so

1 that the public can be officially noticed of the action. As regards the gun show
2 moratorium, to my knowledge, this has never been done. There was not even any
3 official notice to B & L that the 2019 shows, which were already calendared, would
4 no longer be honored. All of these actions are highly unusual for a government body
5 that is following the Bagley-Keene open meeting requirements.

6 16. The District is supposed to be meeting with stakeholders to conduct the
7 adopted study on the gun show. There was a promise at the September 11, 2018
8 meeting that gun shows would not be stopped for longer than one year, but to my
9 knowledge, there has yet to be any contact with stakeholders, including my client, B
10 & L, or members of the public.

11 17. I observed that this policy is directed at solely at Crossroads of the West
12 Gun Shows because they are the only gun show that has operated at the Venue for
13 the past 30 years. They are one of the largest gun show promoters in the state. The
14 same Never Again group that is lobbying the District to ban the gun shows
15 permanently is doing the same thing in venues across the state and there is a
16 concerted effort to get their talking points into the hands of the District Agricultural
17 Association boards.

18 18. I also observed at the September 11, 2018 meeting a strong distain for
19 the gun shows by Shewmaker and a lack of regard for the constitutional rights of
20 citizens by other board members who noted that maybe Crossroads should just not
21 use certain words in their advertising that offend people.

22 I declare under penalty of perjury, under the laws of the United States, that the
23 foregoing is true and correct. Executed in Long Beach on April 17, 2019.

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27 _____
Tiffany D. Chevront
28 Declarant

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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 TIFFANY D. CHEUVRONT

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