

C.D. Michel-SBN 144258
 Anna M. Barvir-SBN 268728
 Tiffany D. Cheuvront-SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 East Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Fax: (562) 216-4445
 Email: cmichel@michellawyers.com
*Attorneys for Plaintiffs B & L Productions, Inc., Bardack, Diaz, Dupree, Irick,
 Walsh, Maximum Wholesale, Inc., California Rifle & Pistol Association, Inc., South
 Bay Rod and Gun Club, Inc.*

Donald Kilmer-SBN 179986
 Law Offices of Donald Kilmer, APC
 1645 Willow Street Suite 150
 San Jose, CA 95125
 Telephone: (408) 264-8489
 Fax: (408) 264-8487
 Email: Don@DKLawOffice.com
Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

B & L PRODUCTIONS, INC., d/b/a
 CROSSROADS OF THE WEST;
 BARRY BARDACK; RONALD J. DIAZ,
 SR.; JOHN DUPREE; CHRISTOPHER
 IRICK; LAWRENCE WALSH;
 MAXIMUM WHOLESALE, INC., d/b/a
 AMMO BROS.; CALIFORNIA RIFLE &
 PISTOL ASSOCIATION,
 INCORPORATED; SOUTH BAY ROD
 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 TRACY
 OLCOTT, PRESIDENT AND
 GENERAL MANAGER OF B & L
 PRODUCTIONS, INC**

[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, Tiffany D. Cheuvront,
 Philip Y. Okita, 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 TRACY OLCOTT

1
2 1. I, Tracy Olcott, am the President and General Manager of Plaintiff B &
3 L Productions, Inc., d/b/a Crossroads of the West (hereafter “B & L”). I make this
4 declaration of my own personal knowledge and, if called as a witness, I could and
5 would testify competently to the truth of the matters set forth herein.

6 2. B & L is a for-profit event promotion company, incorporated under the
7 laws of the state of Utah, with its headquarters in Kaysville, Utah. B & L has been
8 operating event promotion shows in venues across the state of California for over 30
9 years at the Del Mar Fairgrounds (“Venue”).

10 3. B & L produces, promotes, plans, and implements the Crossroads of the
11 West Gun Show, a recurring, legal, safe, and responsible gun-show event held at the
12 Venue.

13 4. B&L has a long history of complying with all applicable federal, state,
14 and local laws, as well as the 22nd District Agricultural Association rules for vendors
15 and contractors. In fact, not one of these authorities has ever reprimanded or refused
16 to work with B & L due to failures in safety and compliance. It was not until gun
17 control groups began pressuring Defendants to stop the gun shows that this 30-year
18 relationship ended.

19 5. But for the 22nd District Agricultural Association’s moratorium on gun
20 shows at the Venue, B & L would continue to produce, promote, plan, and implement
21 the Crossroads of the West Gun Show event at the Venue.

22 6. B & L attempted to continue producing gun shows at facilities near the
23 Venue in order to continue its decades-long relationship with the community. After
24 speaking to several different possible alternative venues, we determined that there are
25 no similar venues in the area that can accommodate both the size of our Crossroads
26 of the West Gun Show event and the multiple dates that we require.

27 7. As the promoter of the Crossroads of the West Gun Show at the Venue,
28 B & L has an important job in bringing together for-profit vendors, non-profit

1 organizations, politicians, and individuals to participate in all manner of political,
2 educational, and commercial speech related to the acquisition of firearms and their
3 lawful uses, including self-defense, hunting, target shooting, safety training,
4 gunsmithing, and appreciation of firearms as art, historical objects, and technological
5 artifacts.

6 8. Indeed, B & L's Crossroads of the West Gun Show regularly hosts
7 Second Amendment civil rights organizations, like Plaintiffs South Bay Rod & Gun
8 Club, California Rifle & Pistol Association, Incorporated, and the Second
9 Amendment Foundation, Inc. As vendors, these organizations engage with attendees
10 to increase their membership base, promote their programs, including firearm safety
11 training, competitive and recreational shooting events, and fundraisers, and to engage
12 in firearm-related political and educational speech. B & L assists these vendors in
13 promoting their messages by allowing them to place materials at the ticket booths or
14 hand out information to participants as they enter the event.

15 9. B & L's Crossroads of the West Gun Show also regularly includes
16 speakers who give lectures about, inter alia, hunting, firearm safety, and state and
17 federal firearms law. B & L's Crossroads of the West Gun Show also sometimes
18 includes self-protection training classes.

19 10. Candidates for political office have attended B & L's Crossroads of the
20 West Gun Show to discuss politics, the government, and the law with constituents
21 who are part of the "gun culture." Registering attendees to vote or gathering
22 signatures for ballot initiatives also regularly occurs in these public forums.

23 11. B & L's Crossroads of the West Gun Show also includes various retailer
24 vendors, including those who sell firearms, ammunition, and firearm-related
25 accessories. These vendors often participate in commercial speech with gun show
26 attendees who are in the market to buy a firearm or other item. They also educate
27 attendees, who may or may not be in the market for a firearm-related product, about
28 available products and impart their knowledge to potential buyers who may not

1 otherwise have ready access to an experienced retailer.

2 12. Firearm retailer vendors at the Crossroads of the West Gun Show are
3 often the same licensed vendors that have brick-and-mortar stores in the community,
4 operate legally over the internet, and are registered with the state as lawful
5 businesses.

6 13. At B & L's Crossroads of the West Gun Show events, I have witnessed
7 countless discussions between attendees and vendors regarding all manner of subjects
8 related to firearms, including political, educational, and commercial speech.

9 14. I believe that our gun-show events, which are heavily regulated by state
10 law and by the 22nd District Agricultural Association's rules and regulations, promote
11 public safety. For they encourage attendees to engage in lawful, convenient,
12 transparent firearm transfers in the state of California, instead of elsewhere.

13 15. B & L had a promise, or a "first right of refusal," from Venue staff to
14 hold dates for their shows in 2019 as a way for all parties to manage the contracting
15 calendar for the Venue. In 30 years, the Venue staff's promise to hold dates has never
16 been recanted, and we had no reason to believe that it would be given our long
17 history with the Venue.

18 16. Because of the moratorium imposed, Defendants have cancelled, or
19 refused to enter into, contracts with B & L to host gun shows at the Venue. This
20 refusal is detrimental to our long relationship with the Venue, our business, and our
21 relationship with all of the vendors who may now book shows elsewhere to keep their
22 businesses viable.

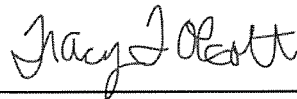
23 17. B & L participates in and is a member of the "gun culture," a discrete
24 and identifiable group of people and organizations, who share a desire to exercise
25 fundamental rights protected by the Second Amendment. Members of the "gun
26 culture" also seek to participate in public discourse and share in the benefits of public
27 resources like the use of the Venue. Participating in that culture is one of the primary
28 reasons people attend gun shows, and it is a driving force behind B & L's continued

1 promotion of such events.

2 18. Defendants' gun show moratorium will diminish, for B & L, and in the
3 aggregate for the community that comprises the "gun culture," the dissemination of
4 information, speech, and commerce related to B & L's exercise of constitutional
5 rights under the First Amendment and Second Amendment at the Venue.

6 19. B & L will sustain and has sustained lost profits and lost opportunity
7 caused by the Defendants' moratorium.

8 I declare under penalty of perjury, under the laws of the United States, that the
9 foregoing is true and correct. Executed in Fruit Heights, Utah
10 on April 17, 2019.

11 

12 Tracy Olcott
13 Declarant
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 TRACY OLCOTT, PRESIDENT AND GENERAL
MANAGER OF B & L PRODUCTIONS, INC**

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
P. Patty Li
Deputy Attorney General
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
E-mail: patty.li@doj.ca.gov
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