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9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12 SOUTHERN DIVISION  
13

14 **STEVEN RUPP, et al.,**

15 Plaintiffs,

16 v.

17 **XAVIER BECERRA, in his official**  
18 **capacity as Attorney General of the**  
19 **State of California, et al.,**

20 Defendants.

8:17-cv-00746-JLS-JDE

**SUPPLEMENTAL  
DECLARATION OF PETER H.  
CHANG IN SUPPORT OF  
DEFENDANT'S OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

Date: May 31, 2019  
Time: 10:30 a.m.  
Courtroom: 10A  
Judge: Hon. Josephine L. Staton  
Trial Date: N/A  
Action Filed: April 24, 2017

1 I, Peter H. Chang, hereby declare and state the following:

2 1. I am a Deputy Attorney General at the California Department of Justice  
3 and serve as counsel to Attorney General Xavier Becerra in the above-titled matter.

4 2. I made this declaration in support of Defendant's Motion for Summary  
5 Judgment. Unless otherwise stated, I have personal knowledge of the facts set forth  
6 herein and am competent to testify thereto.

7 3. Exhibits 21-24 ("NSSF Reports") to the Declaration of Sean A. Brady in  
8 Support of Plaintiffs' Motion for Summary Judgment comprise of four reports  
9 published by the National Shooting Sport Foundation ("NSSF").

10 4. The NSSF Reports were relied upon extensively by Plaintiffs' expert,  
11 William English, in preparing his expert report. After receiving the expert report of  
12 William English, I searched for the NSSF Reports online. I found that these reports  
13 were not freely available to the general public, but only available for members of  
14 NNSF or available to non-members for purchase:

15 Plaintiffs' Exhibit 21 ([https://www.nssf.org/research/firearms-retailer-survey-](https://www.nssf.org/research/firearms-retailer-survey-report/)  
16 [report/](https://www.nssf.org/research/firearms-retailer-survey-report/));

17 Plaintiffs' Exhibit 22 ([https://www.nssf.org/research/nsga-participation-](https://www.nssf.org/research/nsga-participation-reports/)  
18 [reports/](https://www.nssf.org/research/nsga-participation-reports/));

19 Plaintiffs' Exhibit 23  
20 ([https://nssf.force.com/CPBase\\_item?id=a13150000079w0KAAQ](https://nssf.force.com/CPBase_item?id=a13150000079w0KAAQ)); and

21 Plaintiffs' Exhibit 24 ([https://www.nssf.org/research/industry-reference-](https://www.nssf.org/research/industry-reference-guide/#item12)  
22 [guide/#item12](https://www.nssf.org/research/industry-reference-guide/#item12)).

23 5. Plaintiffs did not produce the NSSF Reports during discovery.

24 6. The expert report of William English was served on Defendant on  
25 October 25, 2018. On October 31, 2018, I requested the NSSF Reports from  
26 Plaintiffs' counsel. A copy of those reports, however, were not produced to  
27 Defendant until December 10, 2018, two days before the deposition of William  
28 English. Defendant expert, John Donohue, did not have an opportunity to review

1 the NSSF Reports in preparing his rebuttal report to the expert report of William  
2 English. The expert rebuttal reports were due on November 21, 2018. ECF No. 62.

3 7. Attached is true and accurate copy of the following exhibit:

Exhibit Number	Document Description	Page Number
46	Excerpts of Transcript of the Deposition of William English	1545-1557

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6  
7 I declare under penalty of perjury under the laws of the United States of  
8 America that the foregoing is true and correct.

9 Executed on May 2, 2019, at San Francisco, California.

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12 \_\_\_\_\_/s/ Peter H. Chang

13 Peter H. Chang  
14 Deputy Attorney General  
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