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11
12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

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

20 Plaintiffs,

v.

21
22 22nd DISTRICT AGRICULTURAL
ASSOCIATION; STEVE
SHEWMAKER, President of 22nd
23 District Agricultural Association, in his
official and individual capacity;
24 RICHARD VALDEZ, Vice President of
22nd District Agricultural Association, in
25 his official and individual capacity;
KAREN ROSS, Secretary of California
26 Department of Food & Agriculture, in her
official capacity; DOES 1-50,

27 Defendants.
28

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

**RESPONSE TO DEFENDANTS'
OBJECTIONS TO PLAINTIFFS'
EVIDENCE FILED IN
OPPOSITION TO MOTION TO
DISMISS**

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

1 Plaintiffs’ respectfully request that the Court rule on each of the following
 2 objections prior to ruling on Defendants’ motion to dismiss.

Evidence Objected To	Grounds for Opposition	Ruling
6 General Objection: 12(b)6 7 considerations of documents and 8 evidence presented.	Plaintiffs oppose Defendants’ general objection to their evidence in support of the opposition to motion to dismiss. It is well within the broad discretion of the Court to consider outside evidence when considering a motion to dismiss, therefore treating the motion as a motion for summary judgment. FRCP 12(d).	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
13 Declaration of Barry Bardack, ¶ 14 4, “But for the 22 nd District 15 Agricultural Association’s 16 moratorium on gun shows at the 17 Venue, I would continue to 18 participate as an attendee at the 19 Crossroads of the West Gun 20 Show events at the Venue.”	This statement does not lack foundation. Bardack’s declaration shows that he has attended gun shows for years and had no intention to stop or curtail his attendance at the gun show in the future. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701. Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
24 Declaration of Barry Bardack, ¶ 25 5, “I attend gun shows, like the 26 Crossroads of the West Gun show 27 at the Venue, because they are 28 events where people like me can come together to explore the lawful uses of firearms, including self-defense, target shooting,	This statement does not lack foundation. Bardack’s declaration shows that he has attended gun shows for years. This statement goes just one step further, to explain his reasons for attending gun shows at the Venue. This is based upon his personal	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<p>1 safety training, competition, and a 2 generational appreciation of 3 firearms as art, historical objects, 4 and technological artifacts that can 5 be shared with the next 6 generation.”</p>	<p>opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	
<p>8 Declaration of Barry Bardack, ¶ 6, 9 “Many of the vendors with whom 10 I engage at gun shows share 11 information about their programs 12 with me. They host lectures, 13 trainings, and valuable discussion 14 about gun rights.”</p>	<p>This statement does not lack foundation. Bardack’s declaration shows that he has attended gun shows for years and had no intention to stop or curtail his attendance at the gun show in the future. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>15 Declaration of Barry Bardack, ¶ 16 7, “I am a member of the “gun 17 culture,” which is a discrete and 18 identifiable groups of individuals 19 and organizations, who share a 20 desire to exercise fundamental 21 rights protected by the Second 22 Amendment, and who seek to 23 participate in public discourse and 24 share in the benefit of a public 25 resource, like the Venue. I see 26 parents with their children, 27 spouses learning together, and 28 grandparents passing on traditions as part of the gun culture.</p>	<p>This statement does not lack foundation. Bardack’s declaration proves that he has been attending gun shows for years and identifies himself as part of the “gun culture.” This is based upon his personal opinion which is rationally based and helpful to the Court, which must consider whether Bardack identifies with and wishes to espouse the viewpoint that Defendants have banished from the Venue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 2 3 4 5 6 7 8 9</p>	<p>Participating because culture is one of the primary reasons I attend gun shows, even if I am not in the market to sell or buy a firearm.”</p>	<p>knowledge of his attendance at gun shows at the Venue, his observations while in attendance, and his adoption of the values and understanding of what the “gun culture” is to him as a gun owner. The knowledge of who he observes at gun shows comes directly from attending gun shows and his statements reflect his commitment to being a part of an identified culture. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	
<p>10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</p>	<p>Declaration of Barry Bardack, ¶ 8, “Defendants’ moratorium will diminish for me, and in the aggregate for the community that comprises the “gun culture,” the dissemination of information and commerce that is related to the exercise of my constitutional rights under the First Amendment and Second Amendment at the Venue”</p>	<p>This statement does not lack foundation. Bardack understands his constitutional rights and feels that the banning of the gun show will negatively impact his ability to exercise those rights. This is not a legal argument, but a personal opinion by declarant. His lay opinion is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of what stopping the gun show means to him as an identified member of the “gun culture.” Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to show that stopping gun shows at the Venue would be detrimental to declarant’s civil rights and therefore makes this claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 Declaration of Anna Barvir, ¶ 2. 2 “On or about April 17, 2019, I 3 visited 4 www.delmarfairgrounds.com, a 5 website copyrighted and 6 operated by the Del Mar 7 Fairgrounds. From there, I 8 viewed saved, and printed the site’s landing page titled “Facilities.” A true and correct copy of the Del Mar Fairgrounds website “Facilities” page is attached as Exhibit 2.”</p>	<p>The statement is relevant because it serves to authenticate relevant evidence that Plaintiffs offer in support of their claims. Namely, evidence that tends to show that even Defendants recognize that the Venue is a public forum. Whether the Venue is a public forum is a vital issue underlying Plaintiffs’ First Amendment claims. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>9 Declaration of Anna Barvir, ¶ 3. 10 “On or about April 17, 2019, I 11 visited 12 www.delmarfairgrounds.com, a 13 website copyrighted and 14 operated by the Del Mar 15 Fairgrounds. From there, I 16 viewed saved, and printed the site’s landing page titled “About Us.” A true and correct copy of the Del Mar Fairgrounds website “About Us” page is attached as Exhibit 3.”</p>	<p>The statement is relevant because it serves to authenticate relevant evidence that Plaintiffs offer in support of their claims. Namely, evidence that tends to show that even Defendants recognize that the Venue is a public forum. Whether the Venue is a public forum is a vital issue underlying Plaintiffs’ First Amendment claims. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>17 Declaration of Anna Barvir, ¶ 4. 18 “On or about June 22, 2018, my 19 office sent a request for records under California’s Public 20 Records Act (“PRAR”) to Sheriff William Gore of the San 21 Diego County Sheriff’s Department. A true and correct 22 copy of my office’s June 22, 23 2018 PRAR request is attached as Exhibit 4.”</p>	<p>The statement is relevant because it serves to authenticate relevant evidence that Plaintiffs offer in support of their claims. Namely, evidence that tends to show that Defendants had no legitimate public safety reason to halt gun shows at the Venue. Whether the Defendants had an important or compelling government interest is a vital issue underlying Plaintiffs’ First Amendment claims. Fed. R. Evid. 401, 402</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>26 Declaration of Anna Barvir, ¶ 5. 27 “On or about July 11, 2018, Sheriff Gore sent my office a 28 letter and 35 pages of</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed Sheriff Gore’s letter and responsive documents. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 documents in response to the 2 June 22, 2018 PRAR Request.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	
<p>3 4 5 6 Declaration of Anna Barvir, ¶ 6. 7 “On or about September 17, 2018, 8 my office sent a PRAR to Donna 9 O’ Leary with the 22nd District 10 Agricultural Association. A true 11 and correct copy of my office’s 12 September 17, 2018 PRAR request 13 is attached as Exhibit 6.”</p>	<p>The statement is the personal knowledge of declarant. Her office sent the PRAR, which would produce evidence relevant to Plaintiffs’ claims. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>14 Declaration of Anna Barvir, ¶ 7. 15 “On or about September 17, 2018, 16 Ms. O’ Leary sent my office 17 emails dated October 4, 2018 and 18 October 12, 2018, each with 19 documents attached. In the 20 ordinary course of business, my 21 administrative assistant would 22 have immediately saved the PRAR 23 responses in our firm’s electronic 24 document management system, 25 IMANAGE. On or about April 17, 26 2019, I viewed, pulled, and printed 27 from IMANAGE various pages 28 from the documents attached to Ms. O’Leary’s October 4, 2018 and October 12, 2018 email communications.”</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and responsive documents. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>Attached to the District’s October 4, 2018 PRAR response was a copy of communications between Rose and Ira Sharpe (leaders of the gun-control advocacy group, Never Again) and members of the 22nd District Agricultural</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and responsive documents, including communications between Defendant 22nd DAA</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 Association. Also attached to the 2 District’s October 4, 218 PRAR 3 response were copies of about 77 4 form letters promoted by Never 5 Again. A true and correct copy of 6 these communications is attached as Exhibit 7.”</p>	<p>and the Sharpes. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	
<p>7 Declaration of Anna Barvir, ¶ 9. 8 “Attached to the District’s October 9 4, 2018 PRAR response was a 10 copy of the District’s Contract 11 Committee Recommendations 12 from the September 11, 2018 13 District Board Meeting. A true and 14 correct copy of the District 15 Contract Committee 16 Recommendations is attached as Exhibit 8.”</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and responsive documents, including the District Contract Committee Recommendations from the September 11, 2018 District Board Meeting. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>17 Declaration of Anna Barvir, ¶ 9. 18 “Attached to the District’s October 19 4, 2018 PRAR response was a 20 copy of the District Contract 21 Committee PowerPoint 22 presentation from the September 23 11, 2018 District Board Meeting. 24 A true and correct copy of the 25 District Contract Committee 26 PowerPoint presentation from the September 11, 2018 District Board Meeting is attached as Exhibit 9.”</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and responsive documents, including District Contract Committee PowerPoint presentation from the Septembe 11, 2018 District Board Meeting. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>27 Declaration of Anna Barvir, ¶ 13. 28 “Attached to the District’s October 4, 2018 PRAR response was a</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 copy of the transcript of 2 proceedings at the April 24, 2018 3 board meeting of the 22nd District 4 Agricultural Association. A true 5 and correct copy of April 24, 2018 6 meeting transcript is attached as 7 Exhibit 12.”</p>	<p>responsive documents, including the transcript of proceedings at the April 24, 2018 board meeting of the 22nd District Agricultural Association. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	
<p>10 Declaration of Anna Barvir, ¶ 14. 11 “Attached to the District’s October 12 12, 2018 PRAR response was a 13 copy of <i>Gun Shows Do Not 14 Belong at Del Mar Fairgrounds</i>, a 15 commentary by Rose Ann Sharp 16 of Never Again California sent to 17 members of the 22nd District 18 Agricultural Association by Board 19 member Lee Haydu. The 20 commentary references Newsom’s 21 comments, stating that ‘Newsom, 22 the leading candidate for 23 Governor, told the fair board he is 24 against gun shows on state property. If elected, he can end this practice by replacing members of the fair board.’ I understand these statements to be a political threat to board member that they must end gun shows or lose their job. A true and correct copy of <i>Gun Shows Do Not Belong at Del Mar Fairgrounds</i> is attached as Exhibit 13.”</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and responsive documents, including a copy of <i>Gun Shows Do Not Belong at Del Mar Fairgrounds</i>. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>25 Declaration of Anna Barvir, ¶ 26 15. “On or about October 2, 2018, my office sent another 27 PRAR to Ms. O’Leary with the 28 22nd District Agricultural Association. A true and correct</p>	<p>The statement is the personal knowledge of declarant. Her office sent the PRAR, which would produce evidence relevant to Plaintiffs’ claims. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 copy of my office’s October 2, 2 2018 PRAR request is attached 3 as Exhibit 14.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	
<p>6 Declaration of Anna Barvir, ¶ 16. 7 “On or about October 19, 2018, 8 Ms. O’Leary sent responsive 9 documents to my office. In the 10 ordinary course of business, my 11 administrative assistant would 12 have immediately saved the PRAR 13 responses in our firm’s electronic 14 document management system, 15 IMANAGE. On or about April 17, 16 2019, I viewed, pulled, and printed 17 from IMANAGE various pages 18 from the documents attached to 19 Ms. O’Leary’s October 19, 2018 20 PRAR response.”</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and responsive documents. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p> <p>Further, the documents sent from Ms. O’Leary are true and correct copies of the originals. “A duplicate is admissible to the same extent as the original unless a genuine question is raised about the original’s authenticity or the circumstances make it unfair to admit the duplicate.” Fed. R. Evid. 1003. Here, Defendants raise no genuine question regarding the copies’ authenticity. Indeed, the copies were sent from Defendant 22nd DAA to counsel for Plaintiffs in response to a PRAR—a legal request for documents from a government body.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>24 Declaration of Anna Barvir, ¶ 17. 25 “Attached to the District’s October 26 19, 2018 PRAR response was a 27 copy of the Bylaws for the 22nd 28 District Agricultural Association and the District’s Mission Statement. A true and correct copy of the Bylaws for the for the 22nd District Agricultural Association and the District’s Mission</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and responsive documents, including the Bylaws for the 22nd DAA and the District’s Mission Statement. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 Statement is attached as Exhibit 15.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	
<p>2 3 4 5 6 Declaration of Anna Barvir, ¶ 18. “Attached to the District’s October 19, 2018 PRAR response was a 7 copy of the transcript of proceedings at the May 22, 2018 8 board meeting of the 22nd District Agricultural Association. A true 9 and correct copy of May 22, 2018 meeting transcript is attached as 10 Exhibit 16.”</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and responsive documents, including the transcript of proceedings at the May 22, 2018 board meeting of the 22nd DAA. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>11 12 13 14 15 Declaration of Anna Barvir, ¶ 19. “Attached to the District’s 16 October 19, 2018 PRAR response was a copy of the 17 transcript of proceedings at the August 14, 2018 board meeting 18 of the 22nd District Agricultural Association. A true and correct 19 copy of August 14, 2018 meeting transcript is attached as 20 Exhibit 17.”</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and responsive documents, including the transcript of proceedings at the August 14, 2018 board meeting of the 22nd DAA. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>21 22 23 24 Declaration of Anna Barvir, ¶ 25 20. “Attached to the District’s October 19, 2018 PRAR 26 response was a copy of the transcript of proceedings at the 27 September 11, 2018 board meeting of the 22nd District Agricultural Association. A true 28 and correct copy of September</p>	<p>The statement is the personal knowledge of declarant. She received and reviewed O’Leary’s emails and responsive documents, including the transcript of proceedings at the September</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 11, 2018 meeting transcript is 2 attached as Exhibit 18.”</p>	<p>11, 2018 board meeting of the 22nd DAA. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	
<p>7 Declaration of Anna Barvir, ¶ 21. 8 “On or about September 11, 2018, 9 my office received a copy of the 10 Gun Show Policy Report from 11 Timothy J. Fennel, CEO, as part of 12 the handouts package prepared for 13 the September 11, 2018 board 14 meeting of the 22nd District 15 Agricultural Association District. 16 In the ordinary course of business, 17 my administrative assistant would 18 have immediately saved the 19 document in our firm’s electronic 20 document management system, 21 IMANAGE. On or about April 17, 22 2019, I viewed, pulled, and printed 23 the September 11, 2018 Gun Show 24 Policy Report from IMANAGE. A 25 true and correct copy is attached 26 as Exhibit 19.”</p>	<p>The statement is the personal knowledge of declarant. Her office received, and she personally reviewed the Gun Show Policy Report from Timothy J. Fennel, CEO, as part of the handouts package prepared for the September 11, 2018 board meeting of the 22nd District Agricultural Association District. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>18 Declaration of Anna Barvir, ¶ 22. 19 “On or about September 11, 2018, 20 my office received a copy of a 21 report from Patrick J. Kerins, 22 Public Safety Director, as part of 23 the handouts package prepared for 24 the September 11, 2018 board 25 meeting of the 22nd District 26 Agricultural Association. In the 27 ordinary course of business, my 28 administrative assistant would have immediately saved the document in our firm’s electronic document management system, IMANAGE. On or about April 17, 2019, I viewed, pulled, and printed Mr. Kerins’ report from IMANAGE. A true and correct copy is attached as Exhibit 20.”</p>	<p>The statement is the personal knowledge of declarant. Her office received, and she personally reviewed the report from Patrick J. Kerins, Public Safety Director, as part of the handouts package prepared for the September 11, 2018 board meeting of the 22nd District Agricultural Association. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 Declaration of Anna Barvir, ¶ 23. “On or About March 19, 2019, my office was notified that Never Again California founders may be engaged in unregistered lobbying of state officials through letters to the California Assembly Public Safety Committee. One such letter authored by Never Again California co-founder, Ira Sharpe, evinced support for AB 893 (Gloria), a bill to end gun shows at Del Mar Fairgrounds. A true and correct copy of the Sharp’s March 19, 2019 support letter is attached as Exhibit 21.”</p>	<p>The statement is the personal knowledge of declarant. Her office received, and she personally reviewed letters from Never Again California sent to the California Assembly Public Safety Committee, including the letter by Never Again California co-founder, Ira Sharpe, in support of AB 893 (Gloria), a bill to end gun shows at Del Mar Fairgrounds. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>13 Declaration of Anna Barvir, ¶ 24. “My office continually monitors the Never Again California website at https://neveragainca.blogspot.com/p/ventura-gun-show.html. We are particularly interested in the group’s lobbying efforts aimed at pressuring officials to end gun shows at Del Mar Fairgrounds and elsewhere. A true and correct copy of Never Again California’s anti-gun-show advocacy plan is attached as Exhibit 22. The website was last visited on April 17, 2019.”</p>	<p>The statement is the personal knowledge of declarant. She states that she and her associates monitor the Never Again California website, as well as their reasons for doing so. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>21 Declaration of Anna Barvir, ¶ 25. “On or about April 17, 2019, I visited www.cdffa.ca.gov, the official website of the California Department of Food & Agriculture. From there, I accessed a copy of California Department of Food & Agriculture, Legal Office, <i>Guide to the Bagley-Keene Open Meeting Act</i> (May 2017). A true and correct copy of CDFA’s <i>Guide to the Bagley-Keene Open Meeting Act</i> is attached as Exhibit 23.”</p>	<p>The statement is the personal knowledge of declarant. She simply states that she, herself, visited a website and extracted information from it. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 Declaration of Tiffany D. 2 Chevront, ¶ 3. “On or about 3 March 13, 2018, I learned, 4 through my regular duties as an 5 attorney at Michel & Associates, 6 P.C., that the 22nd District 7 Agricultural Association (“the 8 District”) was entertaining 9 comments from the public about 10 gun shows being held at the Del 11 Mar Fairgrounds (“the Venue”). 12 This was during the general public 13 comment time at the March 13, 14 2018 District board meeting. The 15 District adopted a policy at the 16 March 13, 2018 meeting to 17 approve any contracts that may be 18 controversial in nature.”</p>	<p>The statement is personal knowledge of declarant because she is providing her personal knowledge regarding events that occurred and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>11 Declaration of Tiffany D. 12 Chevront, ¶ 4. “On or about April 13 24, 2018, I learned that the District 14 once again had members of Never 15 Again California, a gun-control 16 advocacy group, offer public 17 comments about a non-agenized 18 item. I also learned that Never 19 Again had submitted letters to the 20 District, opposing gun shows at 21 the Venue. I also learned that 22 members of Never Again had also 23 requested financial records and 24 vendor lists for two pro-gun 25 groups (Crossroads of the West 26 Gun Shows and San Diego County 27 Gun Owners) that rent space at the 28 Venue. The Community Relations Committee also noted in its report that they had discussed gun shows. I thought all of this activity was a bit odd and decided to follow meetings closer.”</p>	<p>The statement is personal knowledge of declarant because she is providing her personal knowledge regarding events that occurred and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>23 Declaration of Tiffany D. 24 Chevront, ¶ 5. “On or about 25 August 14, 2018, I witnessed 26 members of the Never Again 27 made statements at a District 28 board meeting. I found her comments to be a vile attempt to personally attack the family that produces the Crossroads of the West Gun Show. Never Again co- founder, Rose Ann Sharp, claimed</p>	<p>The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 that members of the family had 2 been conducting business illegally 3 and that the process through which 4 the California Department of 5 Justice (“DOJ”) approves gun 6 show promoter licenses was, in 7 her mind, insufficient. Her 8 comments made clear that she did 9 not like the process, so she tried to 10 damage the reputation of the 11 family that operates the gun shows 12 at the Venue in her quest to get the 13 gun shows banned.”</p>	<p>statement. Fed. R. Evid. 401, 402.</p> <p>The declarant’s statement is not objectionable on hearsay grounds because the declarant is providing an account of events witnessed and she is not offering that account to prove the truth of any statements made.</p>	
<p>8 Declaration of Tiffany D. 9 Chevront, ¶ 6. “The comments 10 made at the August 14, 2018 11 meeting by Ms. Sharp set 12 off a series of events that forced 13 B & L Productions, Inc., to 14 expend resources to prove that 15 after 30 years they were doing 16 everything correctly. The 17 attorney for the District finally 18 admitted in later meetings at 19 another fair board that no 20 evidence had been produced 21 showing that Crossroads was 22 doing anything outside of 23 required compliance.”</p>	<p>The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p> <p>The declarant’s statement is not objectionable on hearsay grounds because the declarant is providing an account of events witnessed and she is not offering that account to prove the truth of any statements made. Indeed, much of the statement is about what Plaintiff B & L did in response to statements by Ms. Sharp, not what those statements were.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>22 Declaration of Tiffany D. 23 Chevront, ¶ 7. “When Ms. Sharp 24 and Never Again were 25 unsuccessful in smearing the 26 Crossroads family members they 27 signed on to a letter sent by the 28 Brady Campaign to DOJ, requesting an investigation into the family that runs the Crossroads of the West Gun Show. As counsel for B & L Productions, I received a copy of that letter. And, of course, I wrote to DOJ to defend my client and ask whether an investigation was pending. DOJ</p>	<p>The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 did not reply to either letter, yet I 2 witnessed Never Again 3 representatives at board meetings 4 of the District (and other fair boards across the state) falsely claim that B & L was the target of an ongoing investigation.”</p>		
<p>5 Declaration of Tiffany D. Chevront, ¶ 8. “Crossroads of the 6 West Gun Shows has never, to this 7 day, been found to be out of compliance with applicable 8 federal, state, and local rules and regulations. But the District never 9 made follow-up comments to assure the public that Crossroads 10 was following all laws in the production of the shows. I wrote 11 letters to the Board and provided evidence in support of their 12 compliance.”</p>	<p>The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. The purpose of this statement is to authenticate evidence provided. Fed. R. Evid. 401, 402.</p> <p>The documents referenced may represent the best evidence of the document. FRE 1001-1002. But declarant is not trying to prove their contents, nor does she rely on their contents in any way. She is merely declaring that she wrote them letters response to misinformation spread at meetings of the 22nd DAA. The statement is not an attempt to introduce evidence of the contents of a writing when the letter itself should be submitted. FRE 1001-1008.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>21 Declaration of Tiffany D. Chevront, ¶ 9. “Sometime 22 between August 14, 2018, and the 23 September 11, 2018 District board meeting, an ad hoc committee 24 took over the task of investigating whether gun shows should be 25 permitted to continue taking place at the Venue. The ad hoc 26 committee was made up of just Defendants Stephen Shewmaker 27 and David Valdez, both District board members. Neither I nor my 28 client, B & L Productions, were ever contacted by the ad hoc</p>	<p>The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 committee as they determined 2 what its recommendations to the 3 District would be. I understood the 4 use of the ad hoc committee to be 5 an intentional abuse of power 6 because the committees can do 7 what they want with no 8 transparency and they can move 9 faster because they do not have the 10 time-restraints that come from 11 having to notice public meetings 12 for a specific number of days.”</p>		
<p>8 Declaration of Tiffany D. 9 Chevront, ¶ 10. “I attended the 10 September 11, 2018 District board 11 meeting and witnessed 12 the ad hoc committee present their 13 recommendations to the Board. 14 The presentation was nothing 15 more than a PowerPoint 16 presentation, which to my 17 knowledge was not handed out 18 before the meeting to members of 19 the public. The first time I saw the 20 recommendations were when they 21 appeared on the screen at the front 22 of the room. I believe that the 23 recommendations were in the 24 board packets that the board 25 members had, but they were not 26 copied for the public.”</p>	<p>The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>18 Declaration of Tiffany D. 19 Chevront, ¶ 11. “The ad hoc 20 committee presented their 21 recommendations with no findings 22 that guns shows at the Venue 23 presented any unique risk to public 24 safety. In fact, they allowed the 25 remaining gun shows for 2018 26 with contracts already in place to 27 take place. Valdez moved to adopt 28 the recommendations, and Director Watson seconded, even though no member of the public had been given time to review the documents before to the meeting.”</p>	<p>The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p> <p>The documents referenced represent the best evidence available. Declarant wrote the letter discussed in the statement and the transcripts provided contain the false claims. Fed. R. Evid. 1001- 1008.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1 2 3 4 5 6 7 8 9 10	<p>Declaration of Tiffany D. Chevront, ¶ 12. “Public comment commenced and there were about even numbers of gun-show supporters gun-show opponents in the room. The comments were limited to one minute and went on for hours. I provided my own comments about the false statements that had been made to the District during public comments and the fact that B & L had done everything they should be doing to be legally compliant. I also spoke to the fact that one accidental discharge of a gun in over 30 years of promoting the gun show does not make for a safety concern at gun shows.”</p>	<p>The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
11 12 13 14 15 16 17 18 19 20 21 22 23	<p>Declaration of Tiffany D. Chevront, ¶ 13. “After the public comments ended, Defendant Shewmaker spoke about his personal experiences with gun violence and how he had “drank the Kool-Aid” when it came to gun shows. Shewmaker questioned whether items sold at gun shows were legal, (falsely) implying that gun show vendors have sold illegal items. Shewmaker spoke of crime and other incidents at gun shows, only to be told later that many of those incidents did not happen at the gun shows and some even happened at the quilting shows—he was completely uninformed. Shewmaker worked overtime to discredit pro-gun groups for their activities but said nothing of the unregistered lobbying by Never Agabecause was going on right under his watch.”</p>	<p>The statement is personal knowledge of declarant because she is providing her personal knowledge regarding events that occurred and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
24 25 26 27 28	<p>Declaration of Tiffany D. Chevront, ¶ 14. “The Director of Security for the District was asked to speak by one of the Board members. He had prepared a report in 2016 stating that he had worked with law enforcement and that both he and law enforcement believed that Crossroads was</p>	<p>The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<p>1 2 3 4 5 6 7</p>	<p>doing everything they should be doing, and they were and had been in compliance for years. He noted in his public comment that the crimes referred to by Shewmaker were not all from the gun shows, but from all of the events held at the fairgrounds and most could not be attributed to the gun show. He also talked about the safety plans that were already in place for the gun shows and how those met all state law requirements.”</p>	<p>make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p> <p>The declarant’s statement is not objectionable on hearsay grounds because the declarant is providing an account of events witnessed and she is not offering that account to prove the truth of any statements made.</p>	
<p>8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</p>	<p>Declaration of Tiffany D. Chevront, ¶ 15. “Once District board members finished making their comments, the District voted 8-to-1 to accept the recommendations of the ad hoc committee and end gun shows for 2019 while they “study” what should be done. In my experience as a former lobbyist and advocate, the process of how this vote was taken was uncharacteristic of how legislative bodies generally conduct themselves. Typically, a board taking action on a topic will accept documents or recommendations from the advisory committee and then notice the general public for the next meeting to consider the information. The fact that the District accepted the report and took action on it in the same meeting, without giving the public time to review and adequately comment, is highly unusual. Additionally, after an action is taken by a board it is standard practice that the action be placed in memorialized in writing so that the public can be officially noticed of the action. As regards the gun show moratorium, to my knowledge, this has never been done. There was not even any official notice to B & L that the 2019 shows, which were already calendared, would no longer be honored. All of these actions are highly unusual for a government body that is</p>	<p>The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602.</p> <p>Declarant is a lay person and the statements are provided to enhance the evidence and are her personal opinion. Fed. R. Evid. 701, 702.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1	following the Bagley-Keene open meeting requirements.”		
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3	Declaration of Tiffany D. Cheuvront, ¶ 16. “The District is supposed to be meeting with stakeholders to conduct the adopted study on the gun show. There was a promise at the September 11, 2018 meeting that gun shows would not be stopped for longer than one year, but to my knowledge, there has yet to be any contact with stakeholders, including my client, B& L, or members of the public.”	The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602. The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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5	Declaration of Tiffany D. Cheuvront, ¶ 17. “I observed that this policy is directed solely at Crossroads of the West Gun Shows because they are the only gun show that has operated at the Venue for the past 30 years. They are one of the largest gun show promoters in the state. The same Never Again group that is lobbying the District to ban the gun shows permanently is doing the same thing in venues across the state and there is a concerted effort to get their talking points into the hands of the District Agricultural Association boards.”	The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602. The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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7	Declaration of Tiffany D. Cheuvront, ¶ 18. “I also observed at the September 11, 2018 meeting a strong distain for the gun shows by Shewmaker and a lack of regard for the constitutional rights of citizens by other board members who noted that maybe Crossroads should just not use certain words in their advertising that offend people.”	The statement is the personal knowledge of declarant. She is providing her personal knowledge of and reaction to events that she witnessed. Fed. R. Evid. 602. The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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9	Declaration of Ronald J. Diaz, ¶ 4. “But for the 22nd District Agricultural Association’s moratorium on gun shows at the	This statement does not lack foundation. Diaz’s declaration shows that he has attended gun shows for years and had	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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<p>1 Venue, I would continue to 2 participate as an attendee at the 3 Crossroads of the West Gun Show 4 events at the Venue.”</p>	<p>no intention to stop or curtail his attendance at the gun show in the future. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	
<p>10 Declaration of Ronald J. Diaz, ¶ 5. 11 “I attend gun shows, like the 12 Crossroads of the West Gun Show 13 at the Venue, because they are 14 unique events that allow me to 15 meet with like-minded people to 16 discuss the lawful uses of 17 firearms, including self-defense, 18 hunting, target shooting, safety 19 training, gunsmithing, and 20 appreciation of firearms as art and 21 historical objects.”</p>	<p>This statement does not lack foundation. Diaz’s declaration shows that he has long attended gun shows. This statement goes just one step further, to explain his reasons for attending gun shows at the Venue. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>22 Declaration of Ronald J. Diaz, ¶ 6. 23 “I, like many people that attend 24 gun shows at the Venue, believe 25 the Second Amendment is an 26 individual right that must be 27 protected. The Crossroads of 28 the West Gun Show at the Venue allows me the opportunity to speak freely about these beliefs without fear or condemnation from those that do not agree with my beliefs.”</p>	<p>This statement does not lack foundation. Diaz’s declaration shows that he has long attended gun shows. This statement goes just one step further, to explain his reasons for attending gun shows at the Venue. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p>	<p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602</p>	
<p>6 Declaration of Ronald J. Diaz, ¶ 7. “I am a member of the “gun culture,” which is a discrete and identifiable group of individuals and organizations, who share a desire to exercise fundamental rights protected by the Second Amendment, and who seek to participate in public discourse and share in the benefit of a public resource, like the Venue. Participating because culture is one of the primary reasons I attend gun shows, even if I am not in the market to sell or buy a firearm.”</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>This statement does not lack foundation. Diaz’s declaration proves that he has been attending gun shows for years and identifies himself as part of the “gun culture.” This is based upon his personal opinion which is rationally based and helpful to the Court, which must consider whether Diaz identifies with and wishes to espouse the viewpoint that Defendants have banished from the Venue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue, his observations while in attendance, and his understanding of what the “gun culture” is to him as a gun owner. The knowledge of who he observes at gun shows comes directly from attending gun shows and his statements reflect his commitment to being a part of an identified culture. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>23 Declaration of Ronald J. Diaz, ¶ 8. “It is important to me that gun shows continue to be held at the Venue because there are no other venues in the community that can host an event as large as the Crossroads of the West Gun Show. And because I believe that if the Venue is open to the public, it should be open to all public, not just those members of the public that Defendants’ agree with.”</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>The statement is simply a declaration of Diaz’s personal beliefs based on his own personal knowledge. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19</p> <p>Declaration of Ronald J. Diaz, ¶ 9. “Defendants’ moratorium will diminish for me, and in the aggregate for the community that comprises the “gun culture,” the dissemination of information, speech, and commerce that is related to the exercise of my constitutional rights under the First Amendments and the Second Amendment at the Venue.”</p>	<p>This statement does not lack foundation. Diaz understands his constitutional rights and feels that the banning of the gun show will negatively impact his ability to exercise those rights. This is not a legal argument, but a personal opinion by declarant. His lay opinion is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of what stopping the gun show means to him as an identified member of the “gun culture.” Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to show that stopping gun shows at the Venue would be detrimental to declarant’s civil rights and therefore makes this claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>20 21 22 23 24 25 26 27 28</p> <p>Declaration of John Dupree, ¶ 4. “But for the 22nd District Agricultural Association’s moratorium on gun shows at the Venue, I would continue to participate as an attendee at the Crossroads of the West Gun Show events at the Venue.”</p>	<p>This statement does not lack foundation. Dupree’s declaration shows that he has attended gun shows for years and had no intention to stop or curtail his attendance at the gun show in the future. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1		knowledge may consist of the witness's own testimony. Fed. R. Evid. 602.	
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3	Declaration of John Dupree, ¶ 5. "I like attending the Crossroads of the West Gun Show at the Venue because I can speak and engage with like-minded people to explore the lawful uses of firearms, including self-defense, hunting, target shooting, safety training, gunsmithing, and appreciation of firearms as historical objects and technological artifacts."	This statement does not lack foundation. Dupree's declaration shows that he has long attended gun shows. This statement goes just one step further, to explain his reasons for attending gun shows at the Venue. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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14	Declaration of John Dupree, ¶ 6. "At gun show events, like the Crossroads of the West Gun Show, I have engaged with non-profit organizations that have shared information about their programs, given lectures, held training classes, and led discussions about gun rights. I enjoy being able to participate in this broad platform event where all of my interests in these areas converge."	This statement does not lack foundation. Dupree's declaration shows that he has long attended gun shows. It also explains his reasons for attending gun shows at the Venue. This statement goes just one step further, to explain what he does gun shows at the Venue. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
15		Further, the statement is based on declarant's personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness's own testimony. Fed. R. Evid. 602.	
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27	Declaration of John Dupree, ¶ 7. "I am a member of the "gun culture," which is a discrete and	This statement does not lack foundation. Duprees's declaration proves that he has	<input type="checkbox"/> Sustained
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<p>1 identifiable group of individuals 2 and organizations, who share a 3 desire to exercise fundamental 4 rights protected by the Second 5 Amendment, and who seek to 6 participate in public discourse and 7 share in the benefit of a public 8 resource, like the Venue. 9 Participating because culture is 10 one of the primary reasons I attend 11 gun shows, even if I am not in the 12 market to sell or buy a firearm.”</p>	<p>been attending gun shows for years and identifies himself as part of the “gun culture.” This is based upon his personal opinion which is rationally based and helpful to the Court, which must consider whether Dupree identifies with and wishes to espouse the viewpoint that Defendants have banished from the Venue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue, his observations while in attendance, and his adoption of the values and understanding of what the “gun culture” is to him as a gun owner. The knowledge of who he observes at gun shows comes directly from attending gun shows and his statements reflect his commitment to being a part of an identified culture. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Overruled</p>
<p>18 Declaration of John Dupree, ¶ 8. 19 “To me, owning a gun and 20 shooting a gun promotes self- 21 reliance, personal responsibility, 22 and community with others 23 through association of similar 24 values.”</p>	<p>This statement does not lack foundation. It is based the personal knowledge and opinions of gun ownership and his reasons for participating in gun culture. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>22 Declaration of John Dupree, ¶ 9. 23 “Defendants’ moratorium will 24 diminish for me, and in the 25 aggregate for the community that 26 comprises the “gun culture,” the 27 dissemination of information and 28 commerce that is related to the exercise of my constitutional rights under the First Amendments and the Second Amendment at the Venue.”</p>	<p>This statement does not lack foundation. Dupree understands his constitutional rights and feels that the banning of the gun show will negatively impact his ability to exercise those rights. This is not a legal argument, but a personal opinion by declarant. His lay opinion is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1		Further, the statement is based on declarant's personal knowledge of what stopping the gun show means to him as an identified member of the "gun culture." Evidence to prove personal knowledge may consist of the witness's own testimony. Fed. R. Evid. 602.	
2		The statement is relevant because it has a tendency to show that stopping gun shows at the Venue would be detrimental to declarant's civil rights and therefore makes this claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.	
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12	Declaration of Alan Gottlieb, ¶ 4. "Gun shows like the one at issue in this case, are events where individuals engage in lawful trade, commerce, and the exchange of information related to, and necessary for, exercising Second Amendment rights such as self-defense, hunting, and target shooting. They are a forum for lectures, training, and discussions about gun rights. Gun shows also present a unique place for the exchange of knowledge regarding the market for firearms, firearms accessories, and other related products."	The statement is personal knowledge of declarant because he is providing his personal knowledge regarding his participation in the gun shows at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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22	Declaration of Alan Gottlieb, ¶ 5. "Gun shows, like the one at issue in this case, promote the public safety of the State of California for lawful firearm transactions and transfers by providing a convenient, public, and transparent venue for lawful commerce of firearms and discussion of related firearm and constitutional matters."	The statement is personal knowledge of declarant because he is providing his personal knowledge regarding his participation in the gun shows at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602. This also the personal opinion of a layperson.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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28	Declaration of Alan Gottlieb, ¶ 6. "SAP is a member of the "gun	This statement does not lack foundation. Gottlieb's	<input type="checkbox"/> Sustained

<p>1 culture" which is a discrete and 2 identifiable group of individuals, 3 who share a desire to exercise 4 fundamental rights protected by 5 the Second Amendment, and who 6 seek to participate in public 7 discourse and share in the benefits 8 of public resources like the use of 9 the Venue. [SAF] members are 10 also a part of this discrete and 11 identifiable group of individuals. 12 Gun shows are a vital part of 13 participation in "gun culture."</p>	<p>declaration proves that SAF (of which Gottlieb is an officer) has been attending gun shows for years and identifies as part of the "gun culture." This is based upon his personal opinion which is rationally based and helpful to the Court, which must consider whether SAF identifies with and wishes to espouse the viewpoint that Defendants have banished from the Venue. Fed. R. Evid. 701.</p>	<p><input type="checkbox"/> Overruled</p>
<p>8 Declaration of Alan Gottlieb, ¶ 7. 9 "Defendants' moratorium will 10 diminish, for SAF, and in the 11 aggregate for the community that 12 comprises the "gun culture," the 13 dissemination of information and 14 commerce that is related to SAF's 15 exercise of constitutional rights 16 under the First Amendment and 17 Second Amendment at the 18 Venue."</p>	<p>This statement does not lack foundation. Gottlieb understands his constitutional rights and feels that the banning of the gun show will negatively impact his ability to exercise those rights. This is not a legal argument, but a personal opinion by declarant. His lay opinion is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant's personal knowledge of what stopping the gun show means to him as an identified member of the "gun culture." Evidence to prove personal knowledge may consist of the witness's own testimony. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to show that stopping gun shows at the Venue would be detrimental to declarant's civil rights and therefore makes this claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>26 Declaration of Alan Gottlieb, ¶ 27 8. "SAF promotes programs, 28 memberships in their organization, political substance to discussions on issues with</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. He is providing his personal knowledge about SAF's (of</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 firearms and constitutional 2 rights and engages members of 3 the public and those attending 4 the gun shows regarding these 5 issues. The SAF will sustain and 6 has sustained lost opportunities 7 to engage those people and to 8 speak to potential members 9 caused by Defendants' 10 moratorium.”</p>	<p>which he is an officer) participation in the gun shows at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically. Specifically, it speaks to SAF’s standing to bring its claims both on its own behalf and on behalf of its members too numerous to name. Fed. R. Evid. 401, 402.</p>	
<p>11 Declaration of Alan Gottlieb, ¶ 9. 12 “SAF is a membership 13 organization that expends 14 resources and advocate on behalf 15 of their members' First and Second 16 Amendment rights at many public forums throughout California.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically. Specifically, it speaks to SAF’s standing to bring its claims both on its own behalf and on behalf of its members too numerous to name. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>17 Declaration of Alan Gottlieb, ¶ 10. 18 “SAF has engaged in advocacy 19 and expenditure of resources at 20 gun shows throughout California, 21 including gun shows that have 22 historically take place at the 23 Venue.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. He is providing his personal knowledge about SAF’f (of which is an officer) participation in the gun shows at the Venue and the statement is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically. Specifically, it speaks to SAF’s standing to bring its claims. It also tends to prove that SAF engages in expressive conduct and advocacy at gun shows at the</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1	Venue—an issue critical to CRPA’s First Amendment claims. Fed. R. Evid. 401, 402.	
2 3 4 5 6 7 8 9 10 11 12 13 14	<p>Declaration of Christopher Irick, ¶ 4. “But for the 22nd District Agricultural Association’s moratorium on gun shows at the Venue, I would continue to participate as an attendee at the Crossroads of the West Gun Show events at the Venue.”</p> <p>This statement does not lack foundation. Irick’s declaration shows that he has attended gun shows for years and had no intention to stop or curtail his attendance at the gun show in the future. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
15 16 17 18 19 20 21 22 23 24	<p>Declaration of Christopher Irick, ¶ 5. “I attend gun shows, like the Crossroads of the West Gun Show at the Venue, because they provide me with a unique opportunity to congregate with likeminded people to discuss and explore the many lawful uses of firearms, including self-defense, hunting, safety training, gunsmithing, and appreciation of firearms.”</p> <p>This statement does not lack foundation. Irick’s declaration shows that he has attended gun shows. This statement goes just one step further, to explain his reasons for attending gun shows at the Venue. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
25 26 27 28	<p>Declaration of Christopher Irick, ¶ 6. “At gun shows, I can also share information with others who share my appreciation for firearms, listen to speakers give lectures, attend</p> <p>This statement does not lack foundation. Irick’s declaration shows that he has attended gun shows. This statement goes just one step further, to explain his reasons for attending gun shows at the Venue. This is</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<p>1 classes, and participate in 2 discussions about gun rights.”</p>	<p>based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	
<p>8 Declaration of Christopher Irick, 9 ¶ 7. “I am a member of the “gun 10 culture,” which is a discrete and 11 identifiable group of individuals 12 and organizations, who share a 13 desire to exercise fundamental 14 rights protected by the Second 15 Amendment, and who seek to 16 participate in public discourse 17 and share in the benefit of a 18 public resource, like the Venue. 19 Participating because culture is 20 one of the primary reasons I 21 attend gun shows, even if I am 22 not in the market to sell or buy a 23 firearm.”</p>	<p>This statement does not lack foundation. Irick’s declaration proves that he has been attended gun shows and identifies himself as part of the “gun culture.” This is based upon his personal opinion which is rationally based and helpful to the Court, which must consider whether Irick identifies with and wishes to espouse the viewpoint that Defendants have banished from the Venue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue, his observations while in attendance, and his adoption of the values and understanding of what the “gun culture” is to him as a gun owner. The knowledge of who he observes at gun shows comes directly from attending gun shows and his statements reflect his commitment to being a part of an identified culture. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>26 Declaration of Christopher Irick, ¶ 27 8. “As a member of the local 28 community, I believe that I should have the same ability to attend events that interest me at the Venue as others who attend their</p>	<p>The statement is simply a declaration of Irick’s personal beliefs based on his own personal knowledge. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 events of choice and congregate at 2 the Venue, but Defendants have 3 prevented me from doing so through their gun show moratorium.”</p>		
<p>4 Declaration of Christopher Irick, ¶ 5 9. “Defendants’ moratorium will 6 diminish for me, and in the 7 aggregate for the community that 8 comprises the “gun culture” the 9 dissemination of information and commerce that is related to the exercise of my constitutional rights under the First Amendments and the Second Amendment at the Venue.”</p>	<p>This statement does not lack foundation. Irick understands his constitutional rights and feels that the banning of the gun show will negatively impact his ability to exercise those rights. This is not a legal argument, but a personal opinion by declarant. His lay opinion is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of what stopping the gun show means to him as an identified member of the “gun culture.” Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to show that stopping gun shows at the Venue would be detrimental to declarant’s civil rights and therefore makes this claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>22 Declaration of Tracy Olcott, ¶ 3. 23 “B & L produces, promotes, 24 plans, and implements the Crossroads of the West Gun 25 Show, a recurring, legal, safe, and responsible gun-show event held at the Venue.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in and experience at the gun shows as the promoter at the Venue. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>26 Declaration of Tracy Olcott, ¶ 4. 27 “B&L has a long history of 28 complying with all applicable federal, state, and local laws, as well as the 22nd District</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in and</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1 2 3 4 5 6	Agricultural Association rules for vendors and contractors. In fact, not one of these authorities has ever reprimanded or refused to work with B & L due to failures in safety and compliance. It was not until gun control groups began pressuring Defendants to stop the gun shows that this 30-year relationship ended.”	experience at the gun shows as the promoter at the Venue. Fed. R. Evid. 602.	
7 8 9 10 11 12 13 14 15 16 17 18 19 20	Declaration of Tracy Olcott, ¶ 5. “But for the 22nd District Agricultural Association’s moratorium on gun shows at the Venue, B & L would continue to produce, promote, plan, and implement the Crossroads of the West Gun Show event at the Venue.”	This statement does not lack foundation. Olcott’s declaration shows that B & L has produced, planned, and implemented gun shows at the Venue for more than 30 years and had no intention to stop or curtail his attendance at the gun show in the future. This is based upon her personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701. It is also supported by evidence in the record that B & L had already secured dates with 22 nd DAA for use of the Venue through 2019. Further, the statement is based on declarant’s personal knowledge of B & L’s promotion of gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
21 22 23 24 25 26 27 28	Declaration of Tracy Olcott, ¶ 6. “B & L attempted to continue producing gun shows at facilities near the Venue in order to continue its decades-long relationship with the community. After speaking to several different possible alternative venues, we determined that there are no similar venues in the area that can accommodate both the size of our Crossroads of the West Gun Show event and the multiple dates that we require.”	The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in and experience at the gun shows as the promoter at the Venue, as well as her personal attempts to find a new space in the community to host gun shows in light of Defendants’ moratorium. Fed. R. Evid. 602.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<p>1 Declaration of Tracy Olcott, ¶ 7. 2 “As the promoter of the 3 Crossroads of the West Gun 4 Show at the Venue, B & L has 5 an important job in bringing 6 together for-profit vendors, non- 7 profit organizations, politicians, 8 and individuals to participate in 9 all manner of political, 10 educational, and commercial 11 speech related to the acquisition 12 of firearms and their lawful 13 uses, including self-defense, 14 hunting, target shooting, safety 15 training, gunsmithing, and 16 appreciation of firearms as art, 17 historical objects, and 18 technological artifacts.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in and experience at the gun shows as the promoter at the Venue. Fed. R. Evid. 602. It also reflects the personal, lay opinion of the declarant.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>11 Declaration of Tracy Olcott, ¶ 8. 12 “Indeed, B & L’s Crossroads of 13 the West Gun Show regularly 14 hosts Second Amendment civil 15 rights organizations, like 16 Plaintiffs South Bay Rod & Gun 17 Club, California Rifle & Pistol 18 Association, Incorporated, and 19 the Second Amendment 20 Foundation, Inc. As vendors, 21 these organizations engage with 22 attendees to increase their 23 membership base, promote their 24 programs, including firearm 25 safety training, competitive and 26 recreational shooting events, and 27 fundraisers, and to engage in 28 firearm-related political and educational speech. B & L assists these vendors in promoting their messages by allowing them to place materials at the ticket booths or hand out information to participants as they enter the event.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in and experience at the gun shows as the promoter at the Venue. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it tends to show what kinds of speech and expressive conduct takes place at gun shows at the Venue. This fact is vital to Plaintiffs’ First Amendment claims. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>24 Declaration of Tracy Olcott, ¶ 9. 25 “B & L’s Crossroads of the West 26 Gun Show also regularly includes 27 speakers who give lectures about, 28 inter alia, hunting, firearm safety, and state and federal firearms law. B & L’s Crossroads of the West Gun Show also sometimes</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in and experience at the gun shows as the promoter at the Venue. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 includes self-protection training 2 classes.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it tends to show what kinds of speech and expressive conduct takes place at gun shows at the Venue. This fact is vital to Plaintiffs’ First Amendment claims. Fed. R. Evid. 401, 402.</p>	
<p>8 Declaration of Tracy Olcott, ¶ 10. “Candidates for political office have attended B & L’s Crossroads of the West Gun Show to discuss politics, the government, and the law with constituents who are part of the “gun culture.” Registering attendees to vote or gathering signatures for ballot initiatives also regularly occurs in these public forums.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in and experience at the gun shows as the promoter at the Venue. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it tends to show what kinds of speech and expressive conduct takes place at gun shows at the Venue. This fact is vital to Plaintiffs’ First Amendment claims. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>19 Declaration of Tracy Olcott, ¶ 11. “B & L’s Crossroads of the West Gun Show also includes various retailer vendors, including those who sell firearms, ammunition, and firearm-related accessories. These vendors often participate in commercial speech with gun show attendees who are in the market to buy a firearm or other item. They also educate attendees, who may or may not be in the market for a firearm-related product, about available products and impart their knowledge to potential buyers who may not otherwise have ready access to an experienced retailer.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in and experience at the gun shows as the promoter at the Venue. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it tends to show what kinds of speech and expressive conduct takes place at gun shows at the Venue. This fact is vital to Plaintiffs’ First Amendment</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1		claims. Fed. R. Evid. 401, 402.	
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3	Declaration of Tracy Olcott, ¶ 12. “Firearm retailer vendors at the Crossroads of the West Gun Show are often the same licensed vendors that have brick-and-mortar stores in the community, operate legally over the internet, and are registered with the state as lawful businesses.	The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in and experience at the gun shows as the promoter at the Venue. Fed. R. Evid. 602.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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8	Declaration of Tracy Olcott, ¶ 13. “At B & L’s Crossroads of the West Gun Show events, I have witnessed countless discussions between attendees and vendors regarding all manner of subjects related to firearms, including political, educational, and commercial speech.”	The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in and experience at the gun shows as the promoter at the Venue. Fed. R. Evid. 602.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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13	Declaration of Tracy Olcott, ¶ 14. “I believe that our gun-show events, which are heavily regulated by state law and by the 22nd District Agricultural Association’s rules and regulations, promote public safety. For they encourage attendees to engage in lawful, convenient, transparent firearm transfers in the state of California, instead of elsewhere.”	The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge about her participation in the gun shows as the promoter at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602. Declarant is a lay person and the statements are provided to enhance the evidence and are her personal opinion. Fed. R. Evid. 701, 702.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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21	Declaration of Tracy Olcott, ¶ 15. “B & L had a promise, or a “first right of refusal,” from Venue staff to hold dates for their shows in 2019 as a way for all parties to manage the contracting calendar for the Venue. In 30 years, the Venue staff’s promise to hold dates has never been recanted, and we had no reason to believe that it would be given our long history with the Venue.”	The statement is personal knowledge of declarant because she is providing personal knowledge regarding her participation in the gun shows as the promoter at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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<p>1 Declaration of Tracy Olcott, ¶ 2 16. “Because of the moratorium 3 imposed, Defendants have 4 cancelled, or refused to enter 5 into, contracts with B & L to 6 host gun shows at the Venue. 7 This refusal is detrimental to 8 our long relationship with the 9 Venue, our business, and our 10 relationship with all of the 11 vendors who may now book 12 shows elsewhere to keep their 13 businesses viable.”</p>	<p>The statement is personal knowledge of declarant because she is providing personal knowledge regarding her participation in the gun shows as the promoter at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>8 Declaration of Tracy Olcott, ¶ 9 17. “B& L participates in and is 10 a member of the “gun culture,” 11 a discrete and identifiable group 12 of people and organizations, 13 who share a desire to exercise 14 fundamental rights protected by 15 the Second Amendment. 16 Members of the “gun culture” 17 also seek to participate in public 18 discourse and share in the 19 benefits of public resources like 20 the use of the Venue. 21 Participating because culture is 22 one of the primary reasons 23 people attend gun shows, and it 24 is a driving force behind B & 25 L’s continued promotion of 26 such events.”</p>	<p>This statement does not lack foundation. Olcott’s declaration proves that B & L (of which she is an officer), has produced gun shows at the Venue for 30 years and identifies itself as part of the “gun culture.” This is based upon Olcott’s personal opinion which is rationally based and helpful to the Court, which must consider whether B & L identifies with and wishes to espouse the viewpoint that Defendants have banished from the Venue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of her promotion of and attendance at gun shows at the Venue and her understanding of what the “gun culture” is to her. The knowledge of who she observes at gun shows comes directly from promoting and attending gun shows and her statements reflect a commitment to being a part of an identified culture. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>27 Declaration of Tracy Olcott, ¶ 18. 28 “Defendants’ gun show moratorium will diminish, for B & L, and in the aggregate for the</p>	<p>This statement does not lack foundation. Olcott understands her constitutional rights and feels that the</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 community that comprises the 2 “gun culture,” the dissemination of 3 information, speech, and 4 commerce related to B & L’s 5 exercise of constitutional rights 6 under the First Amendment and 7 Second Amendment at the 8 Venue.”</p>	<p>banning of the gun show will negatively impact his ability to exercise those rights. This is not a legal argument, but a personal opinion by declarant. Her lay opinion is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of what stopping the gun show means to her as an identified member of the “gun culture.” Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to show that stopping gun shows at the Venue would be detrimental to declarant’s civil rights and therefore makes this claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	
<p>17 Declaration of Tracy Olcott, ¶ 19. 18 “B & L will sustain and has 19 sustained lost profits and lost 20 opportunity caused by the 21 Defendants’ moratorium.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. She is providing personal knowledge regarding her participation in the gun shows as the promoter at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>23 Declaration of Shaun Redmon, 24 ¶ 3. “Ammo Bros. has 25 participated as an attendee and 26 vendor at the Crossroads of the 27 West Gun Show, a recurring 28 gun-show event produced by Plaintiff B & L Productions and held at the Del Mar Fairgrounds (“Venue”). Ammo Bros. has complied with all applicable laws as a retail vendor at those events.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. He is providing his personal knowledge regarding his participation in the gun shows at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 2 3 4 5 6 7 8 9 10 11 12</p> <p>Declaration of Shaun Redmon, ¶ 4. “But for the 22nd District Agricultural Association’s moratorium on gun shows at the Venue, Ammo Bros. would continue to participate as a lawful vendor at the Crossroads of the West Gun Show events at the Venue.”</p>	<p>This statement does not lack foundation. Redmon’s declaration shows that he/his business has attended gun shows for years and had no intention to stop or curtail his attendance at the gun show in the future. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>13 14 15 16 17 18 19 20 21 22 23 24</p> <p>Declaration of Shaun Redmon, ¶ 5. “As a vendor at the Crossroads of the West Gun Show, Ammo Bros. sells legal firearm-related products, including ammunition, holsters, accessories, and cleaning supplies. We also enjoy the unique opportunity to interact with our customers in a meaningful way. Indeed, we often have a chance to share our knowledge about available products with potential customers who might not otherwise have ready access to an experienced retailer.”</p>	<p>This statement does not lack foundation. Redmon’s declaration shows that Ammo Bros. (of which he is an officer) has attended gun shows at the Venue as a vendor. It also explains Ammo Bros’ reasons for attending gun shows at the Venue. This statement goes another step further, explaining what the Club does at gun shows at the Venue. Fed. R. Evid. 602.</p> <p>Further, it is the personal knowledge of declarant. He is providing his personal knowledge about Ammo Bros.’ participation in the gun shows at the Venue and the statement is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>25 26 27 28</p> <p>Declaration of Shaun Redmon, ¶ 6. “Ammo Bros. maintains “brick and mortar” stores and vendor booths at gun shows and must follow all of the same safety guidelines and legal requirements</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. He is providing his personal knowledge about his business model and the laws he must follow as a retailer of firearms</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 at any location where they 2 participate as a vendor.”</p>	<p>and related products. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it tends to prove that Defendants had no legitimate public safety reason to halt gun shows at the Venue. Whether the Defendants had an important or compelling government interest is a vital issue underlying Plaintiffs’ First Amendment claims. Fed. R. Evid. 401, 402</p>	
<p>11 Declaration of Shaun Redmon, 12 ¶ 7. “Ammo Bros. participates 13 in gun shows at the Venue 14 because it is a public forum that 15 encourages public gatherings 16 for the purpose of commerce 17 and the exchange of information 18 by individuals and businesses.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. He is providing his personal knowledge about Ammo Bros.’ (of which he is an officer) participation in the gun shows at the Venue and the statement is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>17 Declaration of Shaun Redmon, 18 ¶ 8. “Because of Defendants’ 19 gun show moratorium, 20 Defendants have refused to 21 contract with Plaintiff B & L 22 Productions to host the 23 Crossroads of the West Gun 24 Show at the Venue. Thus, there 25 are no more gun shows 26 scheduled at the Venue for the 27 foreseeable future.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. He is providing his personal knowledge about Ammo Bros.’ (of which he is an officer) participation in the gun shows at the Venue and the statement is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>24 Declaration of Shaun Redmon, ¶ 25 9. “Ammo Bros.’ business will 26 sustain and has sustained lost 27 profits due to Defendants’ 28 moratorium which prohibits gun shows at the Venue.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. He is providing his personal knowledge about Ammo Bros.’ (of which he is an officer) participation in the gun shows at the Venue and the statement is meant to lay the foundation for the</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1	evidence provided. Fed. R. Evid. 602.	
2 3 4 5 6 7 8 9 10	Declaration of Shaun Redmon, ¶ 10. “Ammo Bros.’ participates in and is a member of the “gun culture,” a discrete and identifiable group of people, businesses, and organizations, who share a desire to exercise fundamental rights protected by the Second Amendment. Many, if not all of Ammo Bros. customer base participates in the “gun culture.” Participating because culture is one of the primary reasons people, including Ammo Bros., attend gun shows.”	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
11 12 13 14 15 16 17 18 19 20 21 22	Declaration of Shaun Redmon, ¶ 11. “Many of Ammo Bros. customers attend gun shows at the Venue to exchange in conversation with Ammo Bros. about new products and knowledge that they cannot get elsewhere.”	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
23 24 25 26 27 28	Declaration of Shaun Redmon, ¶ 12. “Defendants’ moratorium will diminish for Ammo Bros., and in the aggregate for the community that comprises the “gun culture,” the dissemination of information and commerce that is related to the exercise of constitutional rights under the First Amendments and the Second Amendment at the Venue.”	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

1		understand or in determining a fact at issue. Fed. R. Evid. 701.	
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3		Further, the statement is based on declarant's personal knowledge of what stopping the gun show means to him as an identified member of the "gun culture." Evidence to prove personal knowledge may consist of the witness's own testimony. Fed. R. Evid. 602.	
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8		The statement is relevant because it has a tendency to show that stopping gun shows at the Venue would be detrimental to declarant's civil rights and therefore makes this claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.	
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14	Declaration of Jon Sivers, ¶ 2. "The Club is a non-profit membership sportsman's club incorporated under the laws of California with its headquarters in Dulzura, California. Since 1955, the Club has offered many activities to members and the general public who have a love for the shooting sports."	The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it speaks to the Club's standing to bring its claims. Fed. R. Evid. 401, 402.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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19	Declaration of Jon Sivers, ¶ 3. "The Club is a membership organization that expends resources and advocates on behalf of their members' First and Second Amendment rights at many public forums throughout California."	The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it speaks to the Club's standing to bring its claims. It also tends to prove that the Club engages in expressive conduct and advocacy at gun shows at the Venue—an issue critical to CRPA's First Amendment claims. Fed. R. Evid. 401, 402.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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27	Declaration of Jon Sivers, ¶ 4. "The Club's mission is to operate a properly managed, nonprofit	The statement is relevant because it has a tendency to make a claim more probable	<input type="checkbox"/> Sustained
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<p>1 shooting club that is efficiently 2 designed, constructed, and safely 3 operated with diligently 4 maintained shooting ranges, 5 support structures, and facilities so 6 that all authorized members and 7 guests may use our facilities with 8 pride, confidence and 9 satisfaction. We endeavor to 10 ensure that future members will 11 inherit a well-managed, top- 12 quality shooting venue and a 13 legacy of marksmanship, 14 sportsmanship, and friendship. In 15 the furtherance of this mission, the 16 Club also promotes and 17 encourages the safe handling and 18 use of firearms.”</p>	<p>than it would be without this statement. Specifically, it speaks to the Club’s standing to bring its claims. It also tends to prove that the Club engages in expressive conduct and advocacy at gun shows at the Venue—an issue critical to CRPA’s First Amendment claims. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Overruled</p>
<p>11 Declaration of Jon Sivers, ¶ 5. 12 “The Club has participated as a 13 vendor at the Crossroads of the 14 West Gun Show, a recurring, 15 legal, safe, and responsible gun- 16 show event promoted by 17 Plaintiff B & L Productions and 18 held at the Del Mar Fairgrounds 19 (“Venue”).”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. He is providing his personal knowledge about the Club’s (of which he is an officer) participation in the gun shows at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>18 Declaration of Jon Sivers, ¶ 6. 19 “But for the 22nd District 20 Agricultural Association’s 21 moratorium on continuing gun 22 shows at the Venue, the Club 23 would continue to participate as a 24 vendor at gun-show events at the 25 Venue.”</p>	<p>This statement does not lack foundation. Sivers’ declaration shows that he has attended gun shows for years and had no intention to stop or curtail his attendance at the gun show in the future. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 Declaration of Jon Sivers, ¶ 7. 2 “The Club does not sell firearms 3 or ammunition and it has never 4 done this at the Crossroads of the 5 West Gun Show at the Venue. 6 Instead, the Club engages 7 members and the general public 8 about the benefits of joining with 9 like-minded people in a gun club 10 environment. They promote 11 membership in the Club, training 12 classes, competitions, and current 13 events in the area that affect gun 14 owners and members of the Club.”</p>	<p>This statement does not lack 15 foundation. Sivers’ 16 declaration shows that the 17 Club (of which he is an 18 officer) has long attended gun 19 shows at the Venue as a 20 vendor. This statement goes 21 just one step further, to 22 explain the Club’s reasons for 23 attending gun shows at the 24 Venue. Fed. R. Evid. 602.</p> <p>Further, the statement is based 25 on declarant’s personal 26 knowledge of his attendance 27 at gun shows at the Venue. 28 Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>12 Declaration of Jon Sivers, ¶ 8. “At 13 the Crossroads of the West Gun 14 Show, the Club encourages 15 discussions about the lawful uses 16 of firearms, hunting, recreational 17 shooting, comradery in the 18 shooting community, and 19 preservation of the Second 20 Amendment for future 21 generations.”</p>	<p>This statement does not lack 22 foundation. Sivers’ 23 declaration shows that the 24 Club (of which he is an 25 officer) has long attended gun 26 shows at the Venue as a 27 vendor. It also explains the 28 Club’s reasons for attending gun shows at the Venue. This statement goes another step further, explaining what the Club does at gun shows at the Venue. Fed. R. Evid. 602.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
<p>23 Declaration of Jon Sivers, ¶ 9. 24 “The Club and their members 25 participate in the Crossroads of the 26 West Gun Show at the Venue 27 because they enjoy coming 28 together with like-minded people to explore the lawful uses of firearms, including self-defense, hunting, target shooting, safety training, gunsmithing, and appreciation of firearms as art,</p>	<p>This statement does not lack 29 foundation. Sivers’ 30 declaration shows that the 31 Club (of which he is an 32 officer) has long attended gun 33 shows at the Venue as a 34 vendor. This statement goes 35 just one step further, to 36 explain the Club’s reasons for 37 attending gun shows at the 38 Venue. Fed. R. Evid. 602.</p>	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<p>1 historical objects, and 2 technological artifacts.”</p>	<p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602</p>	
<p>6 Declaration of Jon Sivers, ¶ 10. “The Club and its members are members of the “gun culture” which is a discrete and identifiable group of individuals, who share a desire to exercise fundamental rights protected by the Second Amendment, and who seek to participate in public discourse and share in the benefits of public resources like the use of the Venue. Participating because culture is one of the primary reasons members of the Club attend gun shows, even if they are not in the market to sell or buy a firearm.”</p>	<p>This statement does not lack foundation. Sivers’ declaration proves that the Club (of which he is an officer) has been attending gun shows for years and identifies as part of the “gun culture.” This is based upon his personal opinion which is rationally based and helpful to the Court, which must consider whether the Club identifies with and wishes to espouse the viewpoint that Defendants have banished from the Venue. Fed. R. Evid. 701.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>15 Declaration of Jon Sivers, ¶ 11. “Defendants’ moratorium will diminish, for the Club, and in the aggregate for the community that comprises the “gun culture,” the dissemination of information and commerce that is related to the Club’s exercise of constitutional rights under the First Amendment and Second Amendment at the Venue.”</p>	<p>This statement does not lack foundation. Sivers understands his constitutional rights and feels that the banning of the gun show will negatively impact his ability to exercise those rights. This is not a legal argument, but a personal opinion by declarant. His lay opinion is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of what stopping the gun show means to him as an identified member of the “gun culture.” Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to show that stopping gun shows</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1</p> <p>2</p> <p>3</p> <p>4</p>	<p>at the Venue would be detrimental to declarant’s civil rights and therefore makes this claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	
<p>5 Declaration of Jon Sivers, ¶ 12. “The Club promotes programs, memberships in their organization, political substance to discussions on issues with firearms and constitutional rights and engages members of the public and those attending the gun shows regarding these issues. The Club will sustain and has sustained lost opportunities to engage those people and to speak to potential members caused by Defendants’ moratorium.”</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p>	<p>This statement does not lack foundation. Sivers’ declaration shows that the Club has attended gun shows at the Venue as a vendor. It also explains its reasons for attending gun shows at the Venue. This statement goes another step further, explaining what the Club does at gun shows at the Venue. Fed. R. Evid. 602.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>16 Declaration of Jon Sivers, ¶ 13. “The Club has engaged in advocacy and expenditure of resources at gun shows and events throughout California, including gun shows that have historically taken place at the Venue.”</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. He is providing his personal knowledge about the Club’s (of which he is an officer) advocacy and expenditure of resources at gun shows at the Venue. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it speaks to the Club’s standing to bring its claims. It also tends to prove that the Club engages in expressive conduct and advocacy at gun shows at the Venue—an issue critical to CRPA’s First Amendment claims. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

<p>1 Declaration of Richard Travis, ¶ 2. 2 “CRPA is a non-profit, 3 membership, and donor-supported 4 organization classified under IRC 5 section 501(c)(4) and incorporated 6 under the laws of California with 7 its headquarters in Fullerton, 8 California.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it speaks to CRPA’s standing to bring its claims both on its own behalf and on behalf of those members to numerous to name. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>7 Declaration of Richard Travis, ¶ 3. 8 “The mission of CRPA is to 9 protect and defend the 10 Constitution of the United States 11 and the individual’s right to keep 12 and bear arms both in public and 13 in private; to promote and educate 14 the public regarding safe and 15 responsible firearm ownership and 16 use; provide firearm education and 17 safety training; encourage 18 participation in the shooting sports 19 and sponsor competitive state 20 championship matches and 21 shooting teams; to sponsor 22 legislation, regulatory policies and 23 litigation that supports the mission 24 of CRPA; promote the 25 individual’s right of self- 26 preservation, hunting, defense of 27 family, and persons; and to oppose 28 any actions which the CRPA believes infringe upon the individual rights guaranteed by the Second Amendment.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it speaks to CRPA’s standing to bring its claims both on its own behalf and on behalf of those members to numerous to name. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>20 Declaration of Richard Travis, ¶ 21 4. “CRPA has participated in 22 the gun shows held at the Del 23 Mar Fairgrounds (“Venue”) as a 24 participant with a vendor booth 25 at gun-show events produced by 26 Plaintiff B & L Productions and 27 held at the Venue.”</p>	<p>The statement does not lack foundation. It is the personal knowledge of declarant. He is providing his personal knowledge regarding CRPA’s (of which he is an officer) participation in the gun shows at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>26 Declaration of Richard Travis, ¶ 5. 27 “But for the 22nd District 28 Agricultural Association’s moratorium on gun shows at the Venue, CRPA would continue to</p>	<p>This statement does not lack foundation. Travis’ declaration shows that CRPA (an organization for which he serves as Executive Director) has attended gun shows as a</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 participate as a vendor at gun- show events at the Venue.”</p>	<p>vendor for years and had no intention to stop or curtail his attendance at the gun show in the future. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	
<p>11 Declaration of Richard Travis, ¶ 6. “CRPA is not in the business of selling firearms or ammunition. And it has not done so at the Crossroads of the West Gun Show at the Venue.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it speaks to the fact that CRPA is not engaging in commercial speech at gun shows at the Venue. This may be critical to weighing CRPA’s First Amendment claims. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>17 Declaration of Richard Travis, ¶ 7. “Instead, as a vendor at the Crossroads of the West Gun Show at the Venue, CRPA engages with gun show attendees to promote its programs, including firearm safety training, competitive and recreational shooting events, and fundraisers.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it speaks to the fact that CRPA is not engaging in commercial speech at gun shows at the Venue. This may be critical to weighing CRPA’s First Amendment claims. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>24 Declaration of Richard Travis, ¶ 8. “CRPA also participates as a vendor at the Crossroads of the West Gun Show to encourage attendees to become supporting members of the organization.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it tends to show that CRPA participates in gun shows at the Venue to engage in expressive conduct and to increase its membership. This is critical to CRPA’s First</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1		Amendment claims. Fed. R. Evid. 401, 402	
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3	Declaration of Richard Travis, ¶ 9. “CRPA volunteers engage gun show attendees in discussions about the lawful uses of firearms, including self-defense, safety training, hunting, military service, and recreational shooting. They also discuss issues regarding gun laws and the preservation of the Second Amendment.”	The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it tends to show that CRPA participates in gun shows at the Venue to engage in speech and other expressive conduct related to firearms and the gun culture. This is critical to CRPA’s First Amendment claims. Fed. R. Evid. 401, 402	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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10	Declaration of Richard Travis, ¶ 10. “CRPA has also invited speakers to give lectures about, inter alia, hunting, firearm safety, and state and federal firearms law, at the Crossroads of the West Gun Show. And, sometimes, CRPA presents comprehensive training on firearm-related topics.”	The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it tends to show that CRPA participates in gun shows at the Venue to engage in speech and other expressive conduct related to firearms and the gun culture. This is critical to CRPA’s First Amendment claims. Fed. R. Evid. 401, 402	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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17	Declaration of Richard Travis, ¶ 11. “CRPA, as well as its individual members, participate in and are members of the “gun culture,” a discrete and identifiable group of people and organizations, who share a desire to exercise fundamental rights protected by the Second Amendment. They also seek to participate in public discourse and share in the benefits of public resources like the use of the Venue. Participating because culture is one of the primary reasons people attend gun shows.”	This statement does not lack foundation. Travis’ declaration proves that CRPA (of which he is the Executive Director) has been attending gun shows for years and identifies as part of the “gun culture.” This is based upon his personal opinion which is rationally based and helpful to the Court, which must consider whether CRPA identifies with and wishes to espouse the viewpoint that Defendants have banished from the Venue. Fed. R. Evid. 701.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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26	Declaration of Richard Travis, ¶ 12. “Defendants’ moratorium will diminish, for CRPA, and in the aggregate for the community that comprises the “gun culture,” the dissemination of information and commerce related to CRPA’s	This statement does not lack foundation. Travis understands his constitutional rights and feels that the banning of the gun show will negatively impact his ability to exercise those rights. This	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
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<p>1 exercise of constitutional rights 2 under the First Amendment and 3 Second Amendment at the 4 Venue.”</p>	<p>is not a legal argument, but a personal opinion by declarant. His lay opinion is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of what stopping the gun show means to him as an identified member of the “gun culture.” Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to show that stopping gun shows at the Venue would be detrimental to declarant’s civil rights and therefore makes this claim more probable than it would be without this statement. Fed. R. Evid. 401, 402.</p>	
<p>16 Declaration of Richard Travis, ¶ 17 13. “CRPA will sustain and has 18 sustained lost opportunities to 19 engage those people and to speak 20 to potential members caused by Defendants’ moratorium.”</p>	<p>The statement is personal knowledge of declarant because he is providing his personal knowledge regarding his participation in the gun shows at the Venue and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>21 Declaration of Richard Travis, ¶ 22 14. “CRPA is a membership 23 organization that expends 24 resources and advocates on behalf 25 of their members’ First and Second Amendment rights at many public forums throughout California.”</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it speaks to CRPA’s standing to bring its claims both on its own behalf and on behalf of those members to numerous to name. Fed. R. Evid. 401, 402.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>26 Declaration of Richard Travis, ¶ 27 15. “CRPA has engaged in 28 advocacy and expenditure of resources at gun shows throughout California, including gun shows</p>	<p>The statement is relevant because it has a tendency to make a claim more probable than it would be without this statement. Specifically, it</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

<p>1 that have historically taken place 2 at the Venue.”</p>	<p>speaks to CRPA’s standing to bring its claims. It also tends to prove that CRPA engages in expressive conduct and advocacy at gun shows at the Venue—an issue critical to CRPA’s First Amendment claims. Fed. R. Evid. 401, 402.</p>	
<p>6 Declaration of Lawrence Walsh, ¶ 7 4. “But for the 22nd District 8 Agricultural Association’s 9 moratorium on continuing gun 10 shows at the Venue, I would 11 continue to participate as a vendor 12 at gun-show events at the Venue.”</p>	<p>This statement does not lack foundation. Walsh’s declaration shows that he has attended gun shows for years and had no intention to stop or curtail his attendance at the gun show in the future. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>
<p>18 Declaration of Lawrence Walsh, ¶ 19 5. “I enjoy attending the 20 Crossroads of the West Gun 21 Show at the Venue because it 22 offers me a unique opportunity to 23 engage with like-minded people to explore and discuss the lawful uses of firearms, ammunition and re-loading, self-defense, hunting, safety training, and appreciation of firearms historical objects and technological artifacts.”</p>	<p>This statement does not lack foundation. Walsh’s declaration shows that he has attended gun shows. This statement goes just one step further, to explain his reasons for attending gun shows at the Venue. This is based upon his personal opinion which is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

1 2 3 4 5 6 7 8 9 10 11	Declaration of Lawrence Walsh, ¶ 6. “As vendor, I offer for sale legal firearm-related products. I also enjoy the unique opportunity that gun shows afford me to interact with my customers in a meaningful way. Many of my customers are law enforcement and they come to gun shows to learn about new technology, speak to vendors, handle merchandise to see what works best for them, and to participate in training and discussions regarding gun ownership.”	This statement does not lack foundation. Walsh’s declaration shows that he has attended gun shows at the Venue as a vendor. It also explains his reasons for attending gun shows at the Venue. This statement goes another step further, explaining what he does at gun shows at the Venue. Fed. R. Evid. 602. Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
12 13 14 15 16	Declaration of Lawrence Walsh, ¶ 7. “Because of Defendants’ moratorium, Defendants have refused to contract with B & L Productions to host the gun shows at the Venue and therefore there are no more gun shows scheduled at the Venue for the foreseeable future.”	The statement does not lack foundation. It is the personal knowledge of declarant and is meant to lay the foundation for the evidence provided. Fed. R. Evid. 602.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
17 18 19 20	Declaration of Lawrence Walsh, ¶ 8. “Because of the Defendants’ moratorium, I will sustain and have sustained lost profits to me and my business.”	The statement is the personal knowledge of declarant. He is providing personal knowledge based on his past participation in gun shows at the Venue. Fed. R. Evid. 602.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled
21 22 23 24 25 26 27 28	Declaration of Lawrence Walsh, ¶ 9. “I am a member of the “gun culture,” which is a discrete and identifiably group of individuals and corporations, who share a desire to exercise fundamental rights protected by the Second Amendment, and who seek to participate in public discourse and share in the benefit of a public resource, like the Venue. Participating because culture, as retailer of firearm-related products, is one of the primary reasons I attend gun shows.”	This statement does not lack foundation. Walsh’s declaration proves that he has been attending gun shows for years and identifies himself as part of the “gun culture.” This is based upon his personal opinion which is rationally based and helpful to the Court, which must consider whether Walsh identifies with and wishes to espouse the viewpoint that Defendants have banished from the Venue. Fed. R. Evid. 701.	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

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	<p>Further, the statement is based on declarant’s personal knowledge of his attendance at gun shows at the Venue, his observations while in attendance, and his adoption of the values and understanding of what the “gun culture” is to him as a gun owner. The knowledge of who he observes at gun shows comes directly from attending gun shows and his statements reflect his commitment to being a part of an identified culture. Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p>	
<p>Declaration of Lawrence Walsh, ¶ 10. “Defendants’ moratorium will diminish my ability to carry on lawful commerce and my ability to engage with others in the dissemination of information that is related to both my business and the exercise of my constitutional rights under the First Amendment and the Second Amendment at the Venue.”</p>	<p>This statement does not lack foundation. Walsh understands his constitutional rights and feels that the banning of the gun show will negatively impact his ability to exercise those rights. This is not a legal argument, but a personal opinion by declarant. His lay opinion is rationally based and helpful to understand or in determining a fact at issue. Fed. R. Evid. 701.</p> <p>Further, the statement is based on declarant’s personal knowledge of what stopping the gun show means to him as an identified member of the “gun culture.” Evidence to prove personal knowledge may consist of the witness’s own testimony. Fed. R. Evid. 602.</p> <p>The statement is relevant because it has a tendency to show that stopping gun shows at the Venue would be detrimental to declarant’s civil rights and therefore makes this claim more probable than it would be without this</p>	<p><input type="checkbox"/> Sustained <input type="checkbox"/> Overruled</p>

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	statement. Fed. R. Evid. 401, 402.	
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Dated: April 17, 2019

MICHEL & ASSOCIATES, P.C.

/s/ Anna M. Barvir
Anna M. Barvir
Attorney for Plaintiffs

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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:

**RESPONSE TO DEFENDANTS’ OBJECTIONS TO PLAINTIFFS’
EVIDENCE FILED IN OPPOSITION TO MOTION TO DISMISS**

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

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

Executed April 30, 2019.

/s/ Claudia Nunez
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