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10 Attorneys for Plaintiffs

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

13 KIM RHODE, et al.,

14 Plaintiffs,

15 v.

16 XAVIER BECERRA, in his official
17 capacity as Attorney General of the State
18 of California,

19 Defendant.

Case No.: 3:18-cv-00802-BEN-JLB

**DECLARATION OF MYRA
LOWDER**

Hearing Date: August 19, 2019
Hearing Time: 10:30 a.m.
Courtroom: 5A
Judge: Hon. Roger T. Benitez

DECLARATION OF MYRA LOWDER

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2 1. I, Myra Lowder, make this declaration of my own personal knowledge and,
3 if called as a witness, I could and would testify competently to the truth of the matters set
4 forth herein.

5 2. I am a manager of Mosquito Creek Outfitters ("MCO"), a California
6 licensed firearms dealer located in Placerville, California. MCO is a local family-owned
7 sporting goods store that has been a staple in El Dorado County for over 10 years. The
8 majority of MCO's business is from its firearms and ammunition sales.

9 3. DOJ regulations require MCO to collect a customer's personal information
10 by swiping the customer's driver's license or identification card through a magnetic strip
11 reader in order to populate the required fields in DES. But in every instance, DES does
12 not populate the customer's gender, hair color, eye color, height, weight, place of birth,
13 and telephone number. Instead, MCO must manually enter this information into the
14 system prior to submitting the transaction. DES will not allow a transaction to be
15 submitted without this information, regardless of the type of background check being
16 submitted.

17 4. Setting aside the required manual entry of information, use of a P.O. Box
18 listed on the customer's ID will result in an error message stating "a physical address
19 must be entered by hand." California law and California Department of Justice ("DOJ")
20 regulations, however, do not allow MCO to manually edit a customer's address as
21 reflected on their driver's license or identification.

22 5. DOJ recommends that, after submitting a customer's transaction for DOJ
23 approval, MCO write down the 16-digit DROS number associated with the submission.
24 MCO must then search all submitted ammunition transactions using this number to check
25 the status or proceed to the next step of the transaction process.

26 6. After locating the appropriate transaction, MCO can then assist the customer
27 in selecting which ammunition to purchase. But before MCO can deliver any ammunition
28 to the customer, MCO must first enter the manufacture, condition, caliber, and quantity

1 of any ammunition the customer intends to purchase into DES. Foothill Ammo can then
2 select “deliver” in DES to generate the final document for the transaction. DOJ has
3 instructed MCO to print this document, which will generate separate pages for each type
4 of ammunition associated with the transaction.

5 7. After printing the required pages, MCO can then process the transaction
6 through its own point-of-sale system and charge the customer for the ammunition and fee
7 associated with the type of background check.

8 8. Setting aside any time necessary for DOJ to approve the transaction, it takes
9 on average 15-25 minutes to enter the information required into DES for a transaction
10 involving more than one type of ammunition.

11 9. Since the implementation of the new ammunition sales restrictions on July 1,
12 2019, approximately 60% of attempted ammunition transactions have been rejected for
13 reasons unknown to MCO.

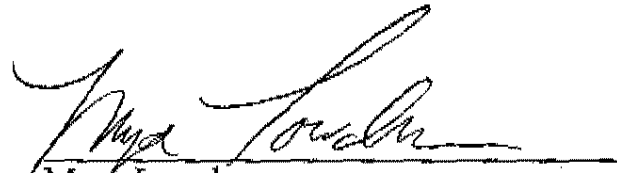
14 10. Since the implementation of the new ammunition sales restrictions on July 1,
15 2019, MCO has been forced to turn away multiple customers who, after learning of the
16 new requirements to purchase ammunition, did not wish to engage or attempt an
17 ammunition transaction for various reasons. Reasons for this loss in potential business
18 include the potential costs to customers or that the customer was unsure if they had either
19 the necessary documentation or appropriate records on file with DOJ to obtain the
20 required electronic approval.

21 11. Since the implementation of the new federally compliant identification
22 requirements, MCO has been forced to turn away multiple customers who had a
23 “FEDERAL LIMITS APPLY” identification and did not have the necessary
24 supplemental documentation to establish proof of lawful U.S. presence as required.

25 12. MCO does not have the resources to hire additional employees to process
26 ammunition transactions. But having more than 2 or 3 customers at a time would require
27 additional employees to properly assist and service their needs as a result of the new
28 ammunition sales restrictions.

1 13. I fear that the new ammunition sales restrictions will prevent MCO from
2 being able to maintain a profitable ammunition sales business moving forward.
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4 I declare under penalty of perjury that the foregoing is true and correct. Executed
5 within the United States on July 14, 2019.
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9 Myra Lowder
Declarant
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CERTIFICATE OF SERVICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Rhode, et al. v. Becerra*
Case No.: 3:18-cv-00802-JM-JMA

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

I have caused service of the following documents, described as:

DECLARATION OF MYRA LOWDER

on the following parties by electronically filing the foregoing on July 22, 2019, with the Clerk of the District Court using its ECF System, which electronically notifies them.

Nelson R. Richards
Deputy Attorney General
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Fresno, CA 93721

*Attorneys for Defendant Attorney General
Xavier Becerra*

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 2019, at Long Beach, CA.

s/ Laura Palmerin
Laura Palmerin