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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 SCOTT
LINDEMUTH**

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

DECLARATION OF SCOTT LINDEMUTH

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

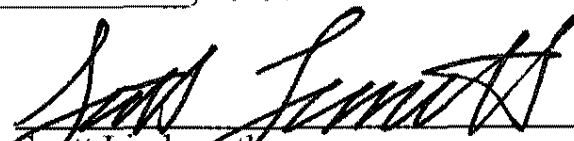
2. I am a resident of San Diego County, California and plaintiff in this lawsuit. I am a citizen of the United States who was honorably discharged from the United States Navy after more than 13 years of service. I am not prohibited from owning or possessing firearms or ammunition under state or federal law.

3. On June 30, I attempted to purchase ammunition at a Walmart location near my home but was unable to do so as I was informed Walmart had ceased selling ammunition at that location. As a result, I was forced to drive to their San Marcos, California, location where I was informed that Walmart had ceased selling ammunition until July 8, 2019, as a result of California's new restrictions.

4. I recently attempted to purchase ammunition at Midway USA, an online retailer/distributor that I purchase ammunition from. I am usually able to order 30-06 ammunition for approximately \$0.80 per round when ordering from Midway USA, whereas the same type of ammunition can cost as much as \$1.50 per round from the ammunition vendor nearest my home.

5. On July 14, 2019, I was informed by representatives of Midway USA that they are no longer selling ammunition to anyone in California as of July 1, 2019, including FFL holders, because their system is unable to authorize transactions in compliance with California's new laws.

I declare under penalty of perjury that the foregoing is true and correct. Executed within the United States on July 22, 2019.


Scott Lindemuth
Declarant

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 SCOTT LINDEMUTH

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
nelson.richards@doj.ca.gov
2550 Mariposa Mall, Room 5090
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