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9
10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF FRESNO**

12 SHERIFF CLAY PARKER, TEHAMA
13 COUNTY SHERIFF; HERB BAUER
14 SPORTING GOODS; CALIFORNIA RIFLE
15 AND PISTOL ASSOCIATION
16 FOUNDATION; ABLE'S SPORTING, INC.;
17 RTG SPORTING COLLECTIBLES, LLC;
18 AND STEVEN STONECIPHER,

19 Plaintiffs and Petitioners,

20 vs.

21 THE STATE OF CALIFORNIA; KAMALA D.
22 HARRIS, in her official capacity as Attorney
23 General for the State of California; THE
24 CALIFORNIA DEPARTMENT OF JUSTICE;
25 and DOES 1-25,

26 Defendants and Respondents.

Case No. 10CECG02116

**DECLARATION OF STEVEN
STONECIPHER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES ON APPEAL**

Judge: Jeffrey Y. Hamilton
Dept.: 402
Date: May 31, 2017
Time: 3:30 PM

Action Filed: June 17, 2010

DECLARATION OF STEVEN STONECIPHER

I, Steven Stonecipher, declare as follows:

1. I am a resident of Fresno County and a United States Citizen over 21 years of age. I am not prohibited under federal or California law from purchasing or possessing firearms or ammunition.

2. I have in the past, and continue to presently, transfer and receive ammunition that can be used interchangeably between handguns and rifles via mail within California.

3. I do not sell ammunition for profit. Either I buy ammunition from sellers or I generate "reloads" which I send to friends and relatives. A "reload" is the term commonly used to describe a remanufactured cartridge assembled from constituent parts in lieu of purchasing new ammunition from store shelves or from internet sellers. I do not charge my friends and relatives for the reloads.

4. I anticipated that if the challenged law had been implemented, I actually would have saved money, insofar as I would have been denied the ability to transfer reloads to my friends and relatives based upon the recording and face-to-face transfer requirements. Thus, all of the free reloads I would have given to friends and relatives would have been prohibited, and I would have saved the money on the supplies I use to make such reloads, and the cost of shipping them. I would have, however, lost the personal satisfaction I get from making the reloads and giving them to friends and relatives.

5. I did not anticipate receiving any pecuniary benefit from prosecuting this lawsuit. I prosecuted the lawsuit based upon my personal belief that the law was ill-conceived, would unfairly subject California residents to criminal prosecution, and would deny me the ability to give ammunition to my friends and relatives.

6. I did not file the *Parker* litigation with the intent of receiving a financial benefit from the litigation. Accordingly, the lawsuit did not seek monetary damages as a remedy if I was successful in the lawsuit.

7. Since the inception of this litigation, I have not realized any pecuniary interest as a result of this litigation.

8. I do not expect to receive any pecuniary interest at any future time as a result of this litigation.

10. If I thought that the benefit to be gained from this litigation was financial in nature, as opposed to protection of constitutional rights, I would never have pursued this litigation in light of anticipated litigation costs.

11. Based on the difficulty of succeeding in constitutional vagueness challenges, given the political environment of the state of California, given the controversial nature of the statutes at issue in this litigation, in light of recent case law supporting vagueness challenges being de-published, and based on input received from my attorneys, I believed there to be a ten percent chance of success in this litigation at the time the vital litigation decisions were being made.

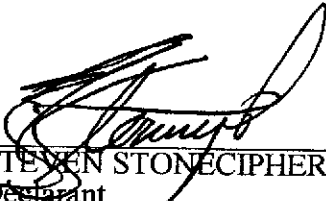
12. At the time the vital litigation decisions were being made, I anticipated this litigation would result in hundreds of thousands of dollars in legal costs. I understand the total costs of this litigation exceeded \$700,000.

13. I estimated I would receive a maximum financial benefit of \$0.00 as a result of this litigation.

14. At the time the vital litigation decisions were being made, I believed the potential for any financial gain through this litigation, to the extent there was any, did not outweigh the costs of bringing this litigation. Rather, I estimate that the financial burdens of this litigation far outweigh any pecuniary interests I might potentially have in this litigation.

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

Executed March 7, 2017.


STEVEN STONECIPHER
Declarant

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF FRESNO

4 I, Laura Palmerin, am employed in Long Beach, Los Angeles County, California. I am over
the age of eighteen (18) years and am not a party to the within action. My business address is 180
5 East Ocean Boulevard, Suite 200, Long Beach, CA 90802.

6 On March 27, 2017, I served the foregoing document(s) described as:

7 **DECLARATION OF STEVEN STONECIPHER IN SUPPORT OF
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES ON APPEAL**

8 on the interested parties in this action by placing

9 ☐ the original
[x] a true and correct copy
thereof enclosed in a sealed envelope(s) addressed as follows:

10 George Waters
11 Deputy Attorney General
1300 I Street, Suite 125
12 P.O. Box 944255
13 Sacramento, CA 94244-2550

P. Patty Li
Deputy Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

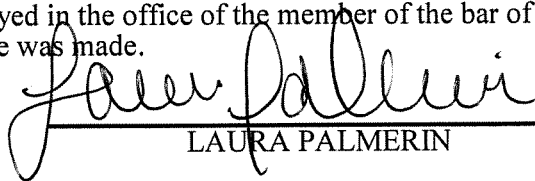
14 X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and
15 processing correspondence for mailing. Under the practice it would be deposited with the
U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles,
16 California, in the ordinary course of business. I am aware that on motion of the party
served, service is presumed invalid if postal cancellation date is more than one day after
17 date of deposit for mailing an affidavit.

Executed on March 27, 2017, at Long Beach, California

18 — (VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of
collection and processing correspondence for overnight delivery by UPS/FED-EX. Under
19 the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for
receipt on the same day in the ordinary course of business. Such envelope was sealed and
20 placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for
in accordance with ordinary business practices.

21 X (STATE) I declare under penalty of perjury under the laws of the State of California that
22 the foregoing is true and correct.

23 — (FEDERAL) I declare that I am employed in the office of the member of the bar of this of
24 this court at whose direction the service was made.

25 
26 LAURA PALMERIN