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16 **UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 JANICE ALTMAN, *et al.*,
19 Plaintiffs,

20 vs.

21 COUNTY OF SANTA CLARA,
22 CALIFORNIA, *et al.*,

23 Defendants.

Case No. 4:20-cv-02180-JST

24 **DECLARATION OF DMITRIY**
25 **DANILEVSKY IN SUPPORT OF**
26 **PLAINTIFFS' APPLICATION FOR**
27 **TEMPORARY RESTRAINING ORDER**
28 **AND ISSUANCE OF PRELIMINARY**
INJUNCTION

DECLARATION OF DMITRIY DANILEVSKY

I, Dmitriy Danilevsky, declare as follows:

1. I am an adult resident of the County of Contra Costa, California, the co-owner and operator of Plaintiff City Arms LLC ("City Arms") in Pacifica, California, and am

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personally named as a plaintiff in the above matter. I have personal knowledge of the facts stated herein, and if called as a witness, I could competently testify to these facts.

2. This declaration is executed in support of Plaintiffs’ Application for Temporary Restraining Order and Issuance of Preliminary Injunction.
3. I am not prohibited from acquiring or possessing firearms and ammunition under federal and state law.
4. Plaintiff City Arms and I are licensed to sell and transfer firearms and ammunition to non-prohibited individuals who meet federal and state requirements for the purchase and transfer of such items.
5. Plaintiff City Arms is a fully licensed firearms retailer that offer their customers excellent selections of firearms, ammunition and other related accessories for self-defense, recreational sport, and hunting.
6. Plaintiff City Arms and I are concerned about our own safety, the safety of our customers, and the safety of the general public, especially in light of the developing situation involving the spread of COVID-19 and the release of criminals and inmates.
7. In order for individuals to comply with California law, they may only acquire and take possession of firearms and ammunition in a face to face transaction at a licensed firearm and ammunition vendor. Firearm and ammunition product manufacturers, retailers, importers, distributors, and shooting ranges are “Essential Businesses” to us and our customers.
8. Defendants’ Orders and actions have resulted in firearm and ammunition stores, like and including me and Plaintiff City Arms, being shut down. Such closures damage me, Plaintiff City Arms, other firearm and ammunition retailers, our customers, and law-abiding

1 members of the public who wish to exercise their rights.

- 2 9. Plaintiff City Arms and I have ceased to conduct sales and transfers of firearms and
3 ammunition because of Defendants’ laws, policies, orders, practices, customs, and
4 enforcement actions, and for fear of liability, prosecution, and loss of licenses under
5 Defendants’ laws, orders, policies, practices, customs, and enforcement actions.
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- 7 10. On March, 23, 2020, my business partner, Vladimir Chaban, was informed by the Pacifica
8 Police Department that City Arms could no longer conduct new sales or transfers of
9 firearms and ammunition because gun shops were “non-essential.” He was told at that time
10 that City Arms LLC was permitted to remain open for the purpose of delivering firearms
11 that had already been purchased, but for no other purpose until April 6, 2020, at which
12 point City Arms LLC would be required to close its doors entirely.
13
- 14 11. On March 27, 2020, I called Captain Glasgow of the Pacifica Police Department to confirm
15 the April 6, 2020 shutdown date and to inquire whether we could get an extension to deliver
16 firearms to those who were allowed to pick up their firearms through April 20, 2020.
17 Captain Glasgow called me back later that day and stated that there would be no extension
18 beyond April 6th, and that we should be grateful that we were given the time we were
19 allowed to continue to operate.
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- 21 12. Defendants’ Orders and enforcement have violated fundamental constitutional rights and
22 caused other damages, including direct economic harm to myself and Plaintiff City Arms
23 as we are unable to conduct business for fear of liability, prosecution, and loss of licenses
24 under Defendants’ laws, orders, policies, practices, customs, and enforcement actions.
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- 26 13. Plaintiff City Arms and I would conduct training and education, perform Firearms Safety
27 Certificate (“FSC”) testing for and issue FSC certificates to eligible persons, and sell and
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1 transfer arms – including firearms, ammunition, magazines, and appurtenances – at our
2 licenses premises but for the reasonable and imminent fear of criminal prosecution,
3 penalties, and the loss of our licenses under Defendants’ laws, policies, orders, practices,
4 customs, and enforcement thereof.

5 14. Plaintiff City Arms and I, as well as our customers and individuals who would be
6 customers, have been and continue to be adversely and directly harmed because of
7 Defendants’ laws, policies, orders, practices, customs, and enforcement actions.

8 15. As detailed in the Plaintiffs’ Complaint, Plaintiffs, Plaintiffs’ members and customers, and
9 other similarly situated individuals would exercise the fundamental human right to acquire,
10 keep, bear, and practice proficiency training and shooting with arms – including firearms,
11 ammunition, magazines, and appurtenances – for lawful purposes including self-defense,
12 and would do so, but for fear of liability and prosecution under Defendants’ laws, orders,
13 policies, practices, customs, and enforcement actions.

14 16. Accordingly, and for reasons set for in Plaintiffs’ application and motion, I
15 respectfully ask this Court to grant the application and/or motion for
16 preliminary injunction.

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

18 Executed on April 9, 2020.

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Dmitriy Danilevsky