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

JANICE ALTMAN, *et al.*,
Plaintiffs,

vs.

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

Defendants.

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

**DECLARATION OF GREGORY DAVID
IN SUPPORT OF PLAINTIFFS'
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ISSUANCE OF PRELIMINARY
INJUNCTION**

DECLARATION OF GREGORY DAVID

I, Gregory David, declare as follows:

1. I am an adult resident of the County of Santa Clara, California, the owner and operator Plaintiff Cuckoo Collectibles LLC, d.b.a. Eddy's Shooting

1 Sports (“Eddy’s”) in Mountain View, California, and am personally named
2 as a plaintiff in the above matter. I have personal knowledge of the facts
3 stated herein, and if called as a witness, I could competently testify to these
4 facts.
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- 6 2. This declaration is executed in support of Plaintiffs’ Application for
7
8 Temporary Restraining Order and Issuance of Preliminary Injunction.
- 9 3. I am not prohibited from acquiring or possessing firearms and ammunition
10
11 under federal and state law.
- 12 4. Plaintiff Eddy’s and I are licensed to sell and transfer firearms and
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14 ammunition to non-prohibited individuals who meet federal and state
15 requirements for the purchase and transfer of such items.
- 16 5. Plaintiff Eddy’s carries an enormous selection of firearms of all kinds. It
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18 sells most major brands and can source special and unique firearms upon
19 request. Eddy’s selection is extremely diverse, covering all aspects of
20 shooting, including home defense, hunting, target shooting, and collecting.
- 21 6. Plaintiff Eddy’s and I are concerned about our own safety, the safety of our
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23 customers, and the safety of the general public, especially in light of the
24 developing situation involving the spread of COVID-19 and the release of
25 criminals and inmates.
- 26
27 7. In order for individuals to comply with California law, they may only acquire
28

1 and take possession of firearms and ammunition in a face to face transaction
2 at a licensed firearm and ammunition vendor. Firearm and ammunition
3 product manufacturers, retailers, importers, distributors, and shooting ranges
4 are “Essential Businesses” to us and our customers.
5

6 8. Defendants’ Orders and actions have resulted in firearm and ammunition
7 stores, like and including me and Plaintiff Eddy’s, being required to shut
8 down. Such closures damage me, Plaintiff Eddy’s, other firearm and
9 ammunition retailers, our customers, and law-abiding members of the public
10 who wish to exercise their rights.
11

12 9. Plaintiff Eddy’s and I have been instructed to cease to conduct sales and
13 transfers of firearms and ammunition because of Defendants’ laws, policies,
14 orders, practices, customs, and enforcement actions, and for fear of liability,
15 prosecution, and loss of licenses under Defendants’ laws, orders, policies,
16 practices, customs, and enforcement actions.
17

18 10. On March 30, 2020, I received a letter from City of Mountain View Chief of
19 Police Max Bosel, in which he stated that I may not conduct business
20 operations, as the County has determined my business is non-essential.
21

22 11. The letter also stated that “[a]ny violation of the Order may result in any or all
23 enforcement action as provided by law.”
24

25 12. Defendants’ Orders and enforcement have violated fundamental constitutional
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1 rights and caused other damages, including direct economic harm to myself
2 and Plaintiff Eddy's as we are unable to conduct business without being
3 subject to liability, prosecution, and loss of licenses under Defendants' laws,
4 orders, policies, practices, customs, and enforcement actions.
5

6
7 13. Plaintiff Eddy's and I seek to conduct training and education, perform
8 Firearms Safety Certificate ("FSC") testing for and issue FSC certificates to
9 eligible persons, and sell and transfer arms – including firearms,
10 ammunition, magazines, and appurtenances – at our licenses premises
11 without the reasonable and imminent fear of criminal prosecution, penalties,
12 and the loss of our licenses under Defendants' laws, policies, orders,
13 practices, customs, and enforcement thereof.
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17 14. Plaintiff Eddy's and I, as well as our customers and individuals who would be
18 customers, have been and continue to be adversely and directly harmed
19 because of Defendants' laws, policies, orders, practices, customs, and
20 enforcement actions.
21

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

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

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

Executed on April 9, 2020.

A handwritten signature in black ink, appearing to read 'Gregory David', written over a horizontal line.

Gregory David