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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 ROMAN KAPLAN**  
25 **IN SUPPORT OF PLAINTIFFS’**  
26 **APPLICATION FOR TEMPORARY**  
27 **RESTRAINING ORDER AND**  
28 **ISSUANCE OF PRELIMINARY**  
**INJUNCTION**

**DECLARATION OF ROMAN KAPLAN**

I, Roman Kaplan, 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 East LLC (“City Arms East”) in

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Pleasant Hill, California, and am 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 East 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 East 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 East 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

1 product manufacturers, retailers, importers, distributors, and shooting ranges  
2 are “Essential Businesses” to us and our customers.

3  
4 8. Defendants’ Orders and actions have resulted in firearm and ammunition  
5 stores, like and including me and Plaintiff City Arms East, being shut down.  
6 Such closures damage me, Plaintiff City Arms East, other firearm and  
7 ammunition retailers, our customers, and law-abiding members of the public  
8 who wish to exercise their rights.

9  
10 9. Plaintiff City Arms East and I have ceased to conduct sales and transfers of  
11 firearms and ammunition because of Defendants’ laws, policies, orders,  
12 practices, customs, and enforcement actions, and for fear of liability,  
13 prosecution, and loss of licenses under Defendants’ laws, orders, policies,  
14 practices, customs, and enforcement actions.

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17 10. On March, 25, 2020, I was informed by the Pleasant Hill Police Department  
18 that City Arms East could no longer conduct new sales or transfers of firearms  
19 and ammunition.

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21 11. On March 28, 2020, I sent the new CISA guidelines that outline firearms  
22 retailers and employees are essential critical infrastructure to the Pleasant Hill  
23 Policy Department via email. I was informed that the prior conditions of  
24 operation (no new sales or transfers of firearms and ammunition) would  
25 continue to apply until the city attorney and/or county officials took some form  
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1 of action.

2 12. On April 1, 2020, I was informed by the Pleasant Hill Police Department that  
3 a new order was issued by the County Health Officer on March 31, 2020 that  
4 went into effect at midnight via email. I was advised that the new order did  
5 not include firearms retailers as “essential businesses.”  
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8 13. Attached hereto as **Exhibit 1** is a true and correct copy of the April 1, 2020,  
9 email received from Ronald Priebe of the Pleasant Hill Police Department.

10 14. Attached hereto as **Exhibit 2** is a true and correct copy of the March 31, 2020  
11 Contra Costa shelter in place order highlighted and sent by Ronald Priebe of  
12 the Pleasant Hill Police Department.  
13

14 15. Defendants’ Orders and enforcement have violated fundamental constitutional  
15 rights and caused other damages, including direct economic harm to myself  
16 and Plaintiff City Arms East as we are unable to conduct business for fear of  
17 liability, prosecution, and loss of licenses under Defendants’ laws, orders,  
18 policies, practices, customs, and enforcement actions.  
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22 16. Plaintiff City Arms East and I would conduct training and education,  
23 perform Firearms Safety Certificate (“FSC”) testing for and issue FSC  
24 certificates to eligible persons, and sell and transfer arms – including  
25 firearms, ammunition, magazines, and appurtenances – at our licenses  
26 premises but for the reasonable and imminent fear of criminal prosecution,  
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1 penalties, and the loss of our licenses under Defendants' laws, policies,  
2 orders, practices, customs, and enforcement thereof.

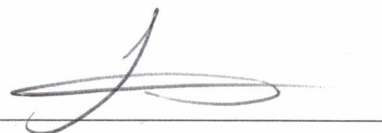
3  
4 17. Plaintiff City Arms East and I, as well as our customers and individuals who  
5 would be customers, have been and continue to be adversely and directly  
6 harmed because of Defendants' laws, policies, orders, practices, customs, and  
7 enforcement actions.

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

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19 19. Accordingly, and for reasons set for in Plaintiffs' application and motion, I  
20 respectfully ask this Court to grant the application and/or motion for  
21 preliminary injunction.

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

24 Executed on April 9, 2020.

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Roman Kaplan

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