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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CENTRAL DISTRICT

TURNER'S OPERATIONS, INC., a California corporation; TRADERS LOAN AND JEWELRY, INC., a California corporation; FFLGuard, LLC, a Delaware limited liability company; and CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED, a California corporation,

Petitioners-Plaintiffs,

v.

ERIC GARCETTI, in his official capacity as Mayor of the City of Los Angeles; MICHAEL N. FEUER, in his official capacity as City Attorney of the City of Los Angeles; MICHAEL MOORE, in his official capacity as Chief of the Los Angeles Police Department; CITY OF LOS ANGELES; and DOES 1-25,

Respondents-Defendants.

Case No.: 20STCP01258

DECLARATION OF BILL ORTIZ IN SUPPORT OF EX PARTE APPLICATION TO STAY ENFORCEMENT OF LOS ANGELES ORDER REQUIRING LICENSED FIREARM DEALERS TO CLOSE OR ALTERNATIVELY, FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

Hearing Date: April 13, 2020
Hearing Time: 8:30 a.m.
Department: 1

Action Filed: April 3, 2020

DECLARATION OF BILL ORTIZ

I, Bill Ortiz, declare:

1. I am the Vice President of Compliance of Turner's Operations, Inc. d/b/a Turner's Outdoorsman ("Turner's"), one of the petitioners in this action. I 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. Turner's was originally founded as Andrews Sporting Goods in 1971. After nearly five decades, Turner's has become one of the largest and most well-recognized California licensed firearm dealers.

3. Currently, Turner's has 28 retail store locations California, including Reseda, all of which are California licensed firearm dealers engaged in the business of selling and transferring firearms and ammunition in accordance with federal, state, and local laws.

4. To lawfully transfer a firearm, a customer must complete ATF Form 4473 and Turner's must submit a Dealer Record of Sale ("DROS") to the California Department of Justice, Bureau of Firearms ("DOJ"), through a web-based application known as the DROS Entry System ("DES"). Only when Turner's is notified in DES that the transaction has been "approved" can Turner's then release the firearm to the customer. Assuming the customer passes the required background check, California law also requires Turner's to hold the firearm for at least 10-days following the submission of the transaction through DES.

5. To lawfully transfer ammunition, DOJ regulations require Turner's to collect the customer's personal information and submit that information to DOJ using DES. As with firearm transactions, only when Turner's is notified in DES that the transaction has been "approved" can Turner's then release the ammunition to the customer.

6. On or about March 24, 2020, I was made aware that Mayor Eric Garcetti held a press conference in which he stated that the City of Los Angeles would shut off water and power services for businesses that do not comply with the City's public health order.

7. On March 25, 2020, officers of the Los Angeles Police Department ("LAPD") contacted Turner's Reseda location to hand them a copy of the "Public Order" issued by Mayor

Eric Garcetti on March 19, 2020. Those officers also indicated that the delivery of any firearm for a pending DES transaction could continue as there seemed to be some ambiguity to the statements made relative to "new gun sales."

8. The following day on March 26, 2020, these same LAPD officers ordered Turner's Reseda location to cease all retail sales of firearms but did not expressly state the delivery of any firearms for a previously approved DES transaction must also be halted.

9. On April 2, 2020, another LAPD officer informed Turner's that it must cease all operations at its Reseda location effective immediately and that any continued operation of its Reseda location might result in the City of Los Angeles shutting off water and/or power to its store and/or the city taking legal action as a result of the Mayor's order. The LAPD officer agreed that losing power would likely disable Turner's security systems, thereby making Turner's Reseda location vulnerable to break-ins.

10. As a result of the orders received from LAPD, including confirmation that LAPD were instructed and relayed to Turner's that the Mayor's order superseded all other authority, Turner's Reseda location has ceased all operations.

11. Of all Turner's 28 locations throughout California, only its Reseda location has been ordered to cease all operations as a result of a current public health order.

12. As of the date of this declaration, Turner's Reseda location has approximately 147 DROS transactions involving a firearm pending with DES. Many of these transactions have already been "approved" and can legally be delivered to their respective customers. But because the City of Los Angeles has ordered Turner's Reseda location to cease all operations, these transactions cannot be completed.

13. Once a transaction has been "approved" in DES, the customer must complete the transaction within 30 days. Failure to complete the transaction will require the customer to complete a new ATF 4473 Form and require Turner's to submit a new DROS transaction through DES, effectively requiring the entire transfer process to start over.

14. On April 6, 2020, DOJ issued a notice in DES which states that DOJ employees will continue to process firearm and ammunition transactions submitted through DES.

15. Turner's will suffer immediate threat of irreparable harm if forcibly continued to cease all operations at its Reseda location, including furloughing or terminating staff and having no choice but to cease operations at its Reseda location permanently.

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

Executed on April 9, 2020, at Rancho Cucamonga, California.

Bill Ortiz
Declarant

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

On April 10, 2020, I served the foregoing document(s) described as

DECLARATION OF BILL ORTIZ IN SUPPORT OF EX PARTE APPLICATION TO STAY ENFORCEMENT OF LOS ANGELES ORDER REQUIRING LICENSED FIREARM DEALERS TO CLOSE OR ALTERNATIVELY, FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

on the interested parties in this action by placing
[ ] the original
[X] a true and correct copy
thereof by the following means, addressed as follows:

Benjamin F. Chapman, Deputy City Attorney
Email: benjamin.chapman@lacity.org
Jonathan H. Eisenman, Deputy City Attorney
Email: jonathan.eisenman@lacity.org
200 North Main Street, 7th Floor, City Hall East
Los Angeles, CA 90012
Fax No.: (213) 978-0763

____ (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and 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 Long Beach, 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 date of deposit for mailing an affidavit.

__X__ (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission to the emails shown above. Said transmission was reported and completed without error.

__X__ (BY FAX) As follows: I transmitted a true and correct copy to the facsimile number shown above. Said transmission was reported and completed without error.

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

Executed on April 10, 2020, at Long Beach, California.

Laura Palmerin