1 C.D. Michel – SBN 144258 Sean A. Brady – SBN 262007 2 Matthew D. Cubeiro – SBN 291519 MICHEL & ASSOCIATES, P.C. 3 180 E. Ocean Blvd., Suite 200 Long Beach, CA 90802 Telephone: (562) 216-4444 4 Facsimile: (562) 216-4445 Email: cmichel@michellawyers.com 5 6 Attorneys for Petitioners-Plaintiffs 7 8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 FOR THE COUNTY OF LOS ANGELES 10 **CENTRAL DISTRICT** 11 TURNER'S OPERATIONS, INC., a Case No.: 20STCP01258 12 California corporation; TRADERS LOAN AND JEWELRY, INC., a California **DECLARATION OF BILL ORTIZ IN** 13 corporation; FFLGuard, LLC, a Delaware SUPPORT OF PETITIONER TURNER'S limited liability company; and CALIFORNIA **OPERATIONS, INC.'S EX PARTE** APPLICATION FOR TEMPORARY RIFLE & PISTOL ASSOCIATION, 14 INCORPORATED, a California corporation, RESTRAINING ORDER AND ORDER TO 15 **SHOW CAUSE** Petitioners-Plaintiffs, 16 Hearing Date: April 28, 2020 Hearing Time: 8:30 a.m. v. 17 Department: ERIC GARCETTI, in his official capacity as Action Filed: April 3, 2020 18 Mayor of the City of Los Angeles; MICHAEL N. FEUER, in his official capacity as City Attorney of the City of Los 19 Angeles; MICHAEL MOORE, in his official 20 capacity as Chief of the Los Angeles Police Department; CITY OF LOS ANGELES; and 21 DOES 1-25, 22 Respondents-Defendants. 23 24 25 26 27 28

3

DECLARATION OF BILL ORTIZ

I, Bill Ortiz, declare:

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2728

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. On April 9, 2020, I submitted a declaration in support of an ex parte application to stay enforcement of the order from the City of Los Angeles requiring Turner's to close its City of Los Angeles location.
- 3. On April 13, 2020, I submitted a supplemental declaration in support of an ex parte application to stay enforcement of order from the City of Los Angeles requiring Turner's to close its City of Los Angeles store.
- 4. I have personal knowledge of the activities that the Turner's City of Los Angeles location engages in.
- 5. All 28 Turner's stores, including its store located in the City of Los Angeles, sell various medical supplies, including first aid kits from companies such as Adventure Medical Kits and Sightmark, as well as first aid handbooks that provide step-by-step guidance for various medical emergencies. In addition to other first aid and survival supplies, Turner's also sells replacement water filters used with NDUR Filtration Bottles. A true and correct copy of examples of such products from Turner's website is attached as Exhibit A.
- 6. All 28 Turner's stores, including its City of Los Angeles store, sell various dry food goods.
- 7. All 28 Turner's stores, including its store located in the City of Los Angeles, sell safes, lockboxes, and firearm safety devices. A true and correct copy of examples of such products from Turner's website is attached as Exhibit B.
- 8. All 28 Turner's stores, including its City of Los Angeles store, service first responders, including law enforcement, private security, and other emergency personnel, with the sale and/or transfer of necessary equipment such as firearms, ammunition, holsters, tactical

clothing like boots, clothing, secure firearm cases, and other equipment.

- 9. The Turner's City of Los Angeles location also maintains a "Large-Capacity Magazine Permit" issued by the California Department of Justice ("DOJ") to engage in the lawful importation and exportation of "large-capacity magazines" for the sole purpose of selling "large capacity magazines" to law enforcement personnel. Turner's maintains approximately 25 to 30 "large-capacity magazines" in stock at all time and sells approximately 15 to 20 such magazines monthly.
- 10. The Turner's City of Los Angeles store also maintains inventory of handguns that cannot be sold to the general public because they are not listed on California's "Roster of Handguns Certified for Sale" as required under Penal Code section 32015. The sole purpose for Turner's in maintaining that inventory is to equip law enforcement and other individuals who California exempts from the restriction on such handguns. Turner's maintains approximately 8 to 15 "law enforcement only handguns" in stock at all time and sells approximately an equal amount of such handguns monthly. A true and correct copy of an example of a law-enforcement only handgun from Turner's website is attached as Exhibit C.
- 11. All 28 Turner's stores, including its City of Los Angeles store, sell a complete selection of fishing rods, reels, line, tackle, lobster traps, gaffs, landing nets, bait-making rigs, deck boots, "pro-packs" of high-end fishing hooks, and other fishing equipment necessary to harvest fish both recreational and commercial fishing activities. What's more, Turner's City of Los Angeles location is an authorized Licensing Agent for the California Department of Fish and Wildlife, allowing Turner's City of Los Angeles location to issue the required sport fishing license for individuals who wish to lawfully engage in fishing activities in California. Turner's services both recreational and commercial fishing activities with the equipment it sells. A true and correct copy of examples of such products from Turner's website is attached as Exhibit D.
- 12. All 28 Turner's stores, including its City of Los Angeles store, accept for purchase, storage, or surrender to law enforcement, firearms from persons subject to firearm prohibitions such as a temporary or gun violence restraining order. Turner's also purchases firearms from non-immigrant aliens who are leaving the United States and cannot lawfully export their firearm.

- 13. All 28 Turner's stores, including its City of Los Angeles store, sell various types of hardware, such as screwdriver sets from Dac Tech, multi-tools from SOG and Gerber, and knives for various purposes. A true and correct copy of examples of such products from Turner's website is attached as Exhibit E.
- 14. All 28 Turner's stores, including its City of Los Angeles store, provide mailing and shipping services to its customers. Such services are usually for purposes of shipping firearms to manufacturers for purposes of repair, including the repair of firearms for law enforcement officers, first responders, and members of the public. But this also includes the shipping of firearms to out-of-state FFLs for purposes of lawful transfers to a customers' family members as required by federal law.
- 15. All 28 Turner's stores, including its City of Los Angeles store, administer statemandated educational programs. This includes the Firearm Safety Certificate program and the related safe-handling demonstration requirement, both of which are generally required to lawfully purchase a firearm in the state of California.
- 16. Turner's must generally process all firearm and ammunition transactions through DOJ's Dealer Record of Sale ("DROS") Entry System ("DES"), a web-based service maintained by DOJ. Only California licensed firearm dealers and licensed ammunition vendors generally have access to this system for purposes of reporting the sale, loan, transfer, redemption, and acquisition of firearms to DOJ.
- 17. Turner's City of Los Angeles location possess a Federal Firearms License ("FFL") issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF").
- 18. Turner's City of Los Angeles location possesses a California Firearms Dealer license, Ammunition Vendor License, and "Large-Capacity" Magazine Permit, all issued by DOJ.
- 19. Turner's City of Los Angeles location possesses a permit for the sale of concealable firearms and a "2nd Hand General" permit issued by the City of Los Angeles, Board of Police Commissioners.
- 20. Among its 28 stores in California, Turner's City of Los Angeles location is above the company average in terms of sales and volume. Turner's City of Los Angeles location is also

above the company average in terms of consigned and used guns.

- 21. As stated in my prior declaration, Turner's Reseda location holds a secondhand dealer's license jointly approved and issued by City of Los Angeles and California Department of Justice, allowing Turner's Reseda location to engage in activities that include firearms taken in trade, taken in pawn, accepted for sale on consignment, or accepted for auction.
- 22. As stated in my prior declaration, Turner's Reseda location has ceased all operations as of April 2, 2020, as a result of the order issued by the Mayor of Los Angeles and the enforcement of that order by the Los Angeles Police Department threatening civil and/or criminal penalties for not complying.
- 23. Turner's can and, if allowed to operate, would immediately comply with the City's mandatory social distancing protocols.
- 24. As of the date of this declaration, Turner's Reseda location has approximately 30 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.
- 25. 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.
- 26. Since being ordered to close by the City of Los Angeles, Turner's Reseda location has been forced to cancel approximately 150 DROS transactions because they were unable to be completed within 30 days.
- 27. 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

1	forgoing is true and correct.
2	Executed on April 27, 2020, at Rancho Cucamonga, California.
3	1.110101
4	Bill Ortiz
5	Declarant
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DECLARATION OF BILL ORTIZ

EXHIBIT A





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Brands

Archery

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Clothing

Clear All

Clearance

SEARCH KEYWORD > First- Aid

Guns

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1 ... 2 Next

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Shooting Sports

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ADVENTURE MEDICAL

KERSHAW

NDUR

NITEIZE

PROFORCE

SABRE

SIGHTMARK STANLEY

SURVIVAL STRAPS

Price Range

\$50 And Under

Select Multiple Items to **compare** them side by side!







Sabre Defence Frontiersman Bear Spray 9.20z

\$39.99

Compare

Survival Straps Survival Straps 6.5" Stainless Survival Straps 6.5" Stainless Clasp

\$34.99

Compare

Survival Straps

Clasp \$34.99

Compare

Survival Straps

Survival Straps 6.5" Stainless Clasp

\$34.99

Compare



NDUR 280z. Pull Top Filtration NDUR Replacement Filter For The Wilderness First Aid **Bottle Clear**

\$29.99 **\$21.97**

Compare



28/320z. Filtration Bottles

Compare

\$21.99 **\$15.97**



Proforce

Handbook

\$11.99

Compare



Niteize SlideLock Carabiner Black

\$3.39 to \$4.49

Compare



Niteize

Niteize SlideLock Carabiner Black

\$3.39 to \$4.49

Compare



Niteize Gear Tie Loopable Twist Tie 24" Orange 2 Pack

\$7.79

Compare



Niteize Gear Tie Loopable Twist Tie 12" Orange 2 Pack

\$6.69

Compare



Niteize Gear Tie Loopable Twist Tie 6" Orange 2 Pack

\$5.59

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Niteize Niteize DoohicKey Black

Niteize Niteize DoohicKey 6X Key Tool Niteize S-Biner KeyRack Black Niteize S-Biner SlideLock With Black Gates

Black

\$4.99

Compare

\$4.99 Compare \$4.99 Compare

\$3.39 to \$4.39 Compare









Niteize S-Biner SlideLock Black

Compare

\$1.69

Compare

\$3.39 to \$4.39

Niteize S-Biner MicroLock Black \$4.99

Compare

\$11.99

Niteize

Black

Niteize S-Biner Ahh

\$3.99 Compare

Compare









Sightmark 12 Survivors First Aid Roll Up Kit \$49.99

Compare

Sightmark 12 Survivors Mini First Aid Roll Up Kit

\$24.99 Compare

Items 8 16 24 View All

1 ... 2 Next













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EXHIBIT B

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Guns



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Hunting

Used/Consignment Guns

Select Multiple Items to **compare** them side by side!

Shooting Sports

Items 8 16 24 View All

Archery

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Clearance

Home > Shooting Sports > Gun Cases & Storage

Gun Cases & Storage

Price (\$\$\$-\$) ▼

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Handgun Cases

Categories

Gun Safes

Pistol Lock Boxes

Gun Safe Accessories

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Sale

Shop by Brand

5 11 TACTICAL SERIES

ALLEN

BERETTA

BLACKHAWK

BOYT

BROWNING BULLDOG

COMMON SENSE CASES

EXPLORER CASES

FIELDLINE

FLAMBEAU

FORTRESS

Price Range

\$50 And Under

\$50 - \$100 \$100 - \$200

\$200 - \$300

\$500 Or More



Browning Hawg 49 Gun Safe

\$1,599.99

Compare



Browning Gun Safe E-Lock

\$1,399.99

Compare



Browning Mark V Blackout 33 Browning 23 Gun Safe E-Lock

\$1,149.99





Browning Primal 23 Gun Safe E-Lock

\$999.99

Compare



Gun Vault Biometric Speed Vault SVB500

\$299.99

Compare



SKB I Series 4217 Double Rifle/Bow Case

\$289.99

Compare



Compare



\$259.99

Pelican 1720 Rifle Case

\$259.99 Compare













V800 Vault Double Rifle Case

\$199.99 **\$149.98**

Compare

Explorer Cases **Explorer Cases Turner's** Outdoorsman Double Long \$199.99 **\$179.98**

Compare

Explorer Cases **Explorer Cases Turner's** Outdoorsman 37" Tactical \$179.99 **\$149.98**

Compare

Boyt H₃6 Tactical Rifle Case Flat Dark Earth \$159.99

Shooting Sports Gun Cases & Storage







Vaultek Safes

Compare

Vaultek VE10 Smart Bluetooth Stack-On 8 Gun Security Safe

Cabinet Black

Case \$149.99 **\$119.98** Pelican Case

Pelican V700 Vault Takedown Pelican Vault V770 Single Rifle

\$149.99 **\$119.98**

\$159.99 \$149.99

Compare

Stack On

Compare

Compare







Us Peacekeepers US Peacekeepers 48"X36"

Drag Bag OD Green \$139.99

Compare

GPS Tactical Special Weapons M&P Delta Ops Multi Gun Case 34" \$139.99

Compare

Case

\$129.99 Compare Us Peacekeepers

US Peacekeepers 48" 3 Gun Case Black

\$119.99 Compare









External Handgun Pocket

\$119.99

Compare

External Handgun Pocket

\$119.99

Compare

GPS Tactical 35" AR Case With GPS Tactical 35" AR Case With GPS Tactical 42" AR Case With Fortress 2 Pistol RFID Lock Box External Handgun Pocket

\$119.99

Compare

Fortress

\$149.99 **\$119.99**

Compare



Pelican Stack Case 1450

\$109.99

Compare



Us Peacekeepers **US** Peacekeepers Tactical Combo Case Black

\$99.99

Compare



SKB Freedom Double Rifle Case

\$159.99 **\$99.97**

Compare



Fox Outdoor Products Fox Outdoor Products Drag Bag 50"

\$96.99

Compare

Online Only



\$94.99 Compare Tactical Case Black

\$79.99

Compare

Rifle Case, 54"

\$79.99

Compare

Rifle Case, 54"

\$79.99

Compare



Outdoor Recreation

Tactical Gun Case

\$79.99

Compare

Outdoor Recreation

Outdoor Recreation Samurai Outdoor Recreation Samurai GPS Tactical Quad Pistol Case DDT 42" Double Rifle Case Tactical Gun Case

\$79.99

Compare

\$69.99

Compare

Black

\$69.99

Compare



DDT 42" Double Rifle Case Gunmetal

\$69.99

Compare

Blackhawk

Blackhawk Rifle Case

\$114.99 \$65.97 to \$106.99

Compare

Blackhawk

Blackhawk Rifle Case

\$114.99 \$65.97 to \$106.99 Compare

Pelican

Pelican Pistol Case

\$59.99

Compare









Hornady Keylock Safe 2700



Flambeau Tactical AR Case

\$59.99 Compare

Allen Battalion Tactical Case 38"

\$59.99 Compare (XL) \$59.99

Compare

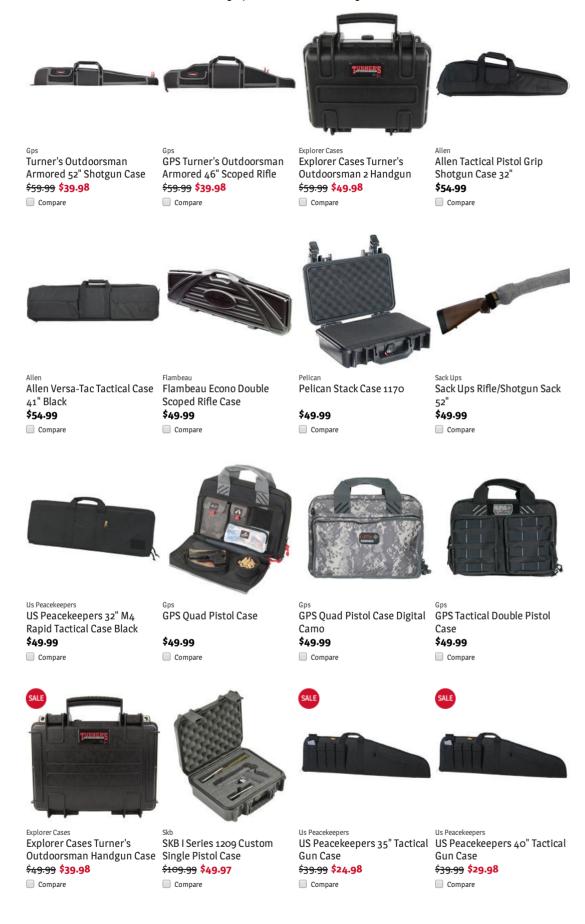
Pelican Vault V200 Medium Pistol Case

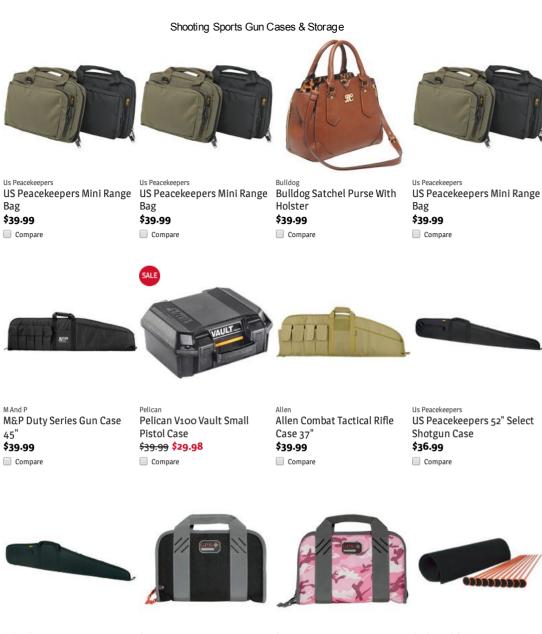
\$59.99 **\$49.98**

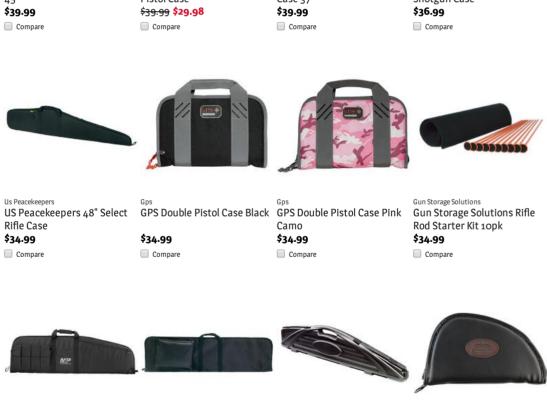














M&P Duty Series Gun Case 40"

\$34.99

Compare

Allen 44" Riot Shotgun Case

\$31.99

Compare

Flambeau Econo Single Scoped Rifle Case

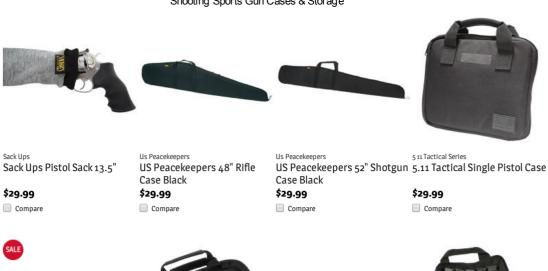
\$29.99

Compare

Outdoor Connection

Outdoor Connection Black Leather Pistol Rug

\$29.99











Allen Ruger 10/22 Flagstaff Rifle Case 40" \$29.99 **\$24.98** Compare

SKB Dry-Tek Rectangular Pistol Bag \$49.99 **\$29.97**

Fieldline 40" Discreet Tactical Blackhawk Gun Rug And Gun Case Coyote \$69.99 **\$29.97** Compare

Blackhawk Pistol Pouch 12"X18" \$28.99

Compare

Compare



Lockdown



Lockdown Handgun Vault Large \$26.99 Compare

Lockdown

Lockdown AR15 Magazine Rack \$25.99

Compare

\$24.99 **\$14.98** Compare

Flambeau Pistol Case

Us Peacekeepers US Peacekeepers 40" Rifle Case Black \$24.99

Compare





Beretta Pistol Case





Beretta Pistol Case

\$24.99

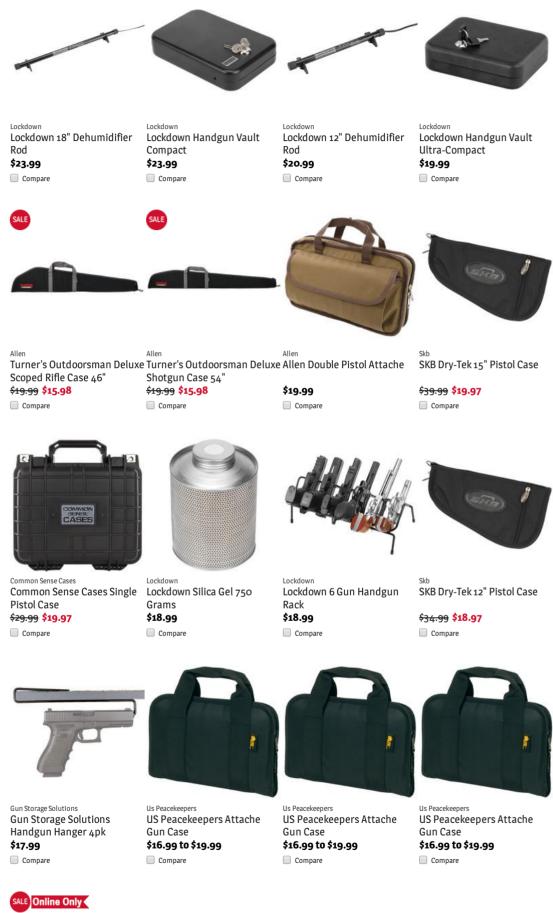
Beretta Pistol Case

Fieldline 42" Tactical Gun Case \$49.99 **\$24.97**

\$24.99 Compare

Compare

\$24.99 Compare





Flambeau Pistol Case

\$15.99 **\$9.98**

Compare

Lockdown Magnetic Barrel Rest

\$15.99

Compare

Lockdown Lockdown 4 Gun Handgun Rack

\$15.99

Compare

Allen Tactical Gun Sock 47" Tan

\$15.99

Compare



GPS Foam Pistol Cradle

\$14.99

Compare



GPS Compression Molded
Pistol Case For 1911

\$14.99

Compare



Gps

GPS Compression Molded Pistol Case For Glock

\$14.99

Compare

Items <u>8</u> <u>16</u> <u>24</u> <u>View All</u> 1 ... <u>2</u> <u>Next</u>

Gun Cases & Storage













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Ammo

Hunting

Used/Consignment Guns

Shooting Sports

Archery

Items 8 16 24 View All

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Home > Guns > Law Enforcement Or Non-California Compliant

Law Enforcement Or Non-California Compliant

Sort By

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SORT BY

Shop by Caliber

38oACP

Select Multiple Items to **compare** them side by side!

<u>Clear All</u>

Shop by Brand

GLOCK

Price Range

\$400 - \$500



Glock 42.38oACP 3.25" Barrel

\$429.99

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Law Enforcement Or Non-California Compliant

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Fishing

Reels Rods

Rod & Reel Combos

Baits & Lures Terminal Tackle

Fishing Accessories

Featured Items

Top Seller Sale

Brands

13 FISHING A BAND OF ANGLERS

AA ACCURATE

AFW

AHI USA

AMERICAN PREMIER

ANDE

ANGLER BROTHERS AQUAGANG

View More



Fishing









RODS

ROD & REEL COMBOS

BAITS & LURES















Featured Items



Stick Jacket Spinning 7'6"



Seaguar Smackdown Braid Green 150 Yards

24

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EXHIBIT E

4/27/2020 Multi Tools & More

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Clearance

Home > Shooting Sports > Knives & Tools > Multi Tools

Multi Tools

Items 8 16 24 View All

Sort By

SORT BY

Featured

Top Seller Sale

Select Multiple Items to **compare** them side by side!

Clear All

Shop by Brand

DAC TECH

GERBER

KERSHAW

LEATHERMAN

SMITH SHARPENERS

SOG











Price Range

\$50 And Under

\$50 - \$100 \$100 - \$200

Gerber Evo Jr & Mullet Combo Gerber Suspension NXT &

\$19.99 **\$17.99**

Compare

Gerber

Paraframe Combo

\$44.99 **\$40.49**

Compare

Smith Sharpeners Smith Sharpeners Jiffy-Pro Sharpener & Game Shears

\$24.99

Compare

Kershaw Kershaw Ration

\$6.49

Compare



SOG Power Access Multi-Tool

\$49.99

Compare



Gerber Dime Black Micro Multi-Tool

\$19.99 **\$17.99**

Compare



Dac Tech 51 Piece Winchester Leatherman Brewzer Screwdriver Set

\$19.99

Compare



Leatherman

\$4.99

Compare



Leatherman Leatherman Pump Tool

\$39.99 **\$19.97**

Compare



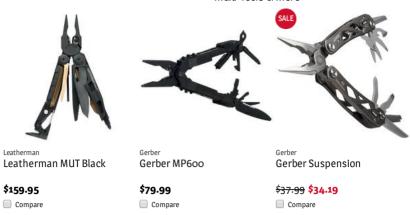
Leatherman Leatherman Stainless Steel Wingman Multi-Tool \$59.95

Compare

Tool Compare

Leatherman Leatherman Style CS Multi-\$29.95

Leatherman Leatherman Skeletool CX Multi-Tool \$79.95



Items 8 16 24 View All

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1	PROOF OF SERVICE
2	STATE OF CALIFORNIA COUNTY OF LOS ANGELES
3	I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County,
4	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.
5	On April 27, 2020, I served the foregoing document(s) described as
6 7	DECLARATION OF BILL ORTIZ IN SUPPORT OF PETITIONER TURNER'S OPERATIONS, INC.'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE
8	on the interested parties in this action by placing
9	[] the original [X] a true and correct copy
10	thereof by the following means, addressed as follows:
11	Benjamin F. Chapman, Deputy City Attorney Email: benjamin.chapman@lacity.org
	Jonathan H. Eisenman, Deputy City Attorney
12	Email: jonathan.eisenman@lacity.org 200 North Main Street, 7th Floor, City Hall East
13	Los Angeles, CA 90012
14	Fax No.: (213) 978-0763
15	(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,
1617	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.
18	X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic
19	transmission to the emails shown above. Said transmission was reported and completed without error.
20	X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
21	
22	Executed on April 27, 2020, at Long Beach, California.
23	Janufalein
24	
25	Laura Palmerin
26	
27	