PAUL B. BEACH, State Bar No. 166265 pbeach@lbaclaw.com JIN S. CHOI, State Bar No. 180270 jchoi@lbaclaw.com
LAWRENCE BEACH ALLEN & CHOI, PC 100 West Broadway, Suite 1200 Glendale, California 91210-1219 Telephone No. (818) 545-1925 Facsimile No. (818) 545-1937 2 3 4 5 6 Attorneys for Defendants County of Los Angeles, Sheriff Alex Villanueva, and Barbara Ferrer 7 UNITED STATES DISTRICT COURT 8 CENTRAL DISTRICT OF CALIFORNIA 9 10 ADAM BRANDY, an individual; JONAH MARTINEZ, an individual; DAEMION GARRO, an individual; DG 2A ENTERPRISES INC., d.b.a. 11 Case No. 2:20-cy-02874-AB-SK 12 Honorable Andre Birotte, Jr. 13 GUN WORLD; JASON MONTES an individual; WEYLAND-YUTANI LLC, d.b.a. MATCH GRADE GUNSMITHS; ALAN KUSHNER, an individual; THE TARGET RANGE; TOM WATT, an individual; A PLACE TO SHOOT, INC.; SECOND AMENDMENT FOUNDATION; CALIFORNIA GUN PIGHTS FOUNDATION: DECLARATION OF SHERIFF 14 ALEX VILLANUEVA 15 16 17 GUN RIGHTS FOUNDATION; NATIONAL RIFLE ASSOCIATION OF AMERICA; and FIREARMS POLICY COALITION, INC., 18 19 20 Plaintiffs. 21 VS. 22 ALEX VILLANUEVA, in his official capacity as Sheriff of Los Angeles County, California, and in his capacity as the Director of Emergency Operations; GAVIN NEWSOM, in his official capacity as 23 24 25 Governor and Commander in Chief of the State of California; SONIA Y. ANGELL, in her official capacity as California Public Health Officer; BARBARA FERRER, in her official capacity as Director of Los Angeles County Department of Public Health; 26 27

28

1	COUNTY OF LOS ANGELES; ERIC GARCETTI, in his official capacity as Mayor of the City of Los Angeles, California; CITY OF LOS ANGELES, CALIFORNIA; JUSTIN HESS, in his official capacity as City Manager and Director of Emergency Services for the City of Burbank; and CITY OF BURBANK, CALIFORNIA,
2	Angeles, California; CITY OF LOS) ANGELES, CALIFORNIA: JUSTIN
3	HESS, in his official capacity as City Manager and Director of Emergency
4	Services for the City of Burbank; and CITY OF BURBANK,
5	CALIFORNIA,
6	Defendants.
7 8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25 26	
27	
28	

Case 2:20-cv-02874-AB-SK Document 23-2 Filed 04/03/20 Page 2 of 6 Page ID #:321

DECLARATION OF SHERIFF ALEX VILLANUEVA

5

- I, Sheriff Alex Villanueva, declare as follows:
- 1. I am the duly elected Sheriff of the County of Los Angeles. If called upon as a witness, I could and would competently testify to the following facts as personally known to me or upon information and belief.
- 2. Over the past several months, the virus known as Novel Coronavirus ("COVID-19") has had an unprecedented impact upon not only the County of Los Angeles, but the state, nation and international community. As a result, it has posed unprecedented challenges upon the Sheriff's Department and the County it serves. It has also resulted in numerous federal, state and local public health orders that law enforcement and other community stakeholders must adapt to on a constant basis, in addition to conducting normal operations.
- 3. On March 4, 2020, California Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19.
- 4. On March 13, 2020, California Governor Gavin Newsom issued Executive Orders N-2520 and N-26-20.
- 5. On March 15, 2020, Governor Newsom issued Executive Order N-27-20.
- 6. On March 16, 2020, Governor Newsom issued Executive Order N-28-20.
- 7. On March 17, 2020, Governor Newsom issued Executive Orders N-29-20, N-30-20, and N-31-20.
- 8. On March 18, 2020, Governor Newsom issued Executive Order N-32-20.
- 9. On March 19, 2020, the County's Department of Public Health issued a public health order, the Safer At Home Order for Control of COVID-19 (Temporary Prohibition of Events and Gatherings of 10 Persons or More/Closure

of Non-Essential Businesses and Areas). In short, the Safer at Home Order restricts public movement (i.e., social distancing) and restricts the operations of all but nonessential businesses.

- 10. On March 19, 2020, Governor Newsom issued Executive Order N-33-20.
- 11. On March 20, 2020, Governor Newsom issued Executive Order N-34-20.
- 12. On March 21, 2020, the County's Department of Public Health issued a revised version of the Safer At Home Order for Control of COVID-19 (Temporary Prohibition of Events and Gatherings of 10 Persons or More/Closure of Non-Essential Businesses and Areas). In short, the Safer at Home Order restricts public movement (i.e., social distancing) and restricts of operations of all but nonessential businesses.
 - 13. On March 21, 2020, the Governor issued Executive Order N-35-20.
 - 14. On March 24, 2020, the Governor issued Executive Order N-36-20.
- 15. On March 25, 2020, the County's Department of Public Health issued its Health Officer Order for the Control of COVID-19 (Public Health Emergency Quarantine Order), requiring the self-quarantining of those diagnosed with or likely to have COVID-19. Also on March 25, 2020, Governor Newsom publicly stated that he deferred to local sheriffs as to whether local gun operations should be considered essential businesses under his Executive Orders.
- 16. Given the discretion accorded by the Governor to California sheriffs, on Thursday March 26, 2020, I issued an order that gun and ammunition stores were not considered essential businesses and must close to the general public, in compliance with the Governor's Executive Order N-33 and the County of Los Angeles Safer at Home Order for Control of COVID-19. I also made exceptions that allowed for the sale of ammunition to security guard companies and for those

8 9

11

10

13

14

12.

15

16 17

18

20

19

21 22

23

24 25

26 27

28

who had already purchased a firearm, possessed a valid California Firearms Safety certificate, and simply needed to take possession of their firearm.

- On March 27, 2020, the County's Department of Public Health issued its Addendum to Safer At Home Order for Control of COVID-19. regarding the temporary closure of public trails and trailheads, beaches, piers, beach bike paths and beach access points.
- On March 27, 2020, the Governor issued Executive Orders N-37-20 18. and N-38-20.
- On Sunday March 28, 2020, the United States Department of 19. Homeland Security published an Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response. Although explicitly advisory in nature, the federal memorandum is persuasive given its national scope to this on-going emergency. The Department of Homeland Security included in its list of essential critical infrastructure workers those workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.
- Therefore, based on the additional and latest information from the 20. federal government, on Monday March 30, 2020, I publicly announced that the Los Angeles County Sheriff's Department will not order or recommend closure of businesses that sell or repair firearms, or sell ammunition. I have not changed this position, and consistent with the recommendation of the Department of Homeland Security, I will treat those businesses in the firearms industry (which includes Plaintiffs) as essential businesses under the pending public health orders applicable to COVID-19.
- Of course, I do not know, nor would it be appropriate to speculate, 21. how in the future the COVID-19 crisis is going to impact the County that I am sworn to protect. However, at this time, I have no intention of, and do not reasonably foresee, changing my position concerning the treatment of members of

the firearms industry as essential businesses for purposes of public health orders governing COVID-19.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April ___, 2020, at Los Angeles, California.

Sheriff Alex Villanueva