

1 George M. Lee (SBN 172982)
2 gml@seilerepstein.com
3 SEILER EPSTEIN LLP
4 275 Battery Street, Suite 1600
5 San Francisco, California 94111
6 Phone: (415) 979-0500
7 Fax: (415) 979-0511

8 John W. Dillon (SBN 296788)
9 jdillon@gdandb.com
10 2762 Gateway Road
11 Carlsbad, California 92009
12 Phone: (760) 431-9501
13 Fax: (760) 431-9512

14 Raymond M. DiGuiseppe (SBN 228457)
15 law.rmd@gmail.com
16 THE DIGUISEPPE LAW FIRM, P.C.
17 4320 Southport-Supply Road, Suite 300
18 Southport, North Carolina 28461
19 Phone: 910-713-8804
20 Fax: 910-672-7705

21 Attorneys for Plaintiffs

22 **UNITED STATES DISTRICT COURT**
23 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

24 ADAM BRANDY, an individual; et al.,

25 Plaintiffs,

26 vs.

27 ALEX VILLANUEVA, in his official
28 capacity as Sheriff of Los Angeles
County, California, and in his capacity as
the Director of Emergency Operations, et
al.,

Defendants.

Case No. 2:20-cv-02874-AB-SK

**SUPPLEMENTAL DECLARATION OF
ALAN KUSHNER IN SUPPORT OF
PLAINTIFFS' APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD
NOT ISSUE**

[FRCP 65; C.D. L.R. 65-1]

Date: TBD

Time: TBD

Courtroom 7B
Judge: Hon. André Birotte Jr.

**SUPPLEMENTAL DECLARATION OF ALAN KUSHNER
IN SUPPORT OF PLAINTIFFS' APPLICATION FOR TRO**

I, Alan Kushner, declare as follows:

I am an Individual Plaintiff in this action, and I am the owner and operator of "The Target Range," which is a Retailer Plaintiff in the action.

2. The Target Range, is a California corporation holding federal, state, and local licenses to conduct the temporary rental and sale of arms, including firearms, ammunition, magazines, and appurtenances, as well as to operate an indoor shooting range and training center, in Van Nuys, California.

3. As the owner and operator of this business, I have been attempting to stay abreast of all the laws, ordinances, regulations, and other various orders of the State, Los Angeles County, and Los Angeles City concerning whether businesses providing these services to the public are deemed "essential" businesses who may continue operating during this time of the COVID-19 public health crisis.

4. To that end, I have been communicating with Detective Ben Meda, in the Gun Unit of the Los Angeles City Police Department (LAPD).

5. Yesterday, April 2, 2020, Detective Meda advised me by telephone that the Los Angeles City Mayor's Office has directed the LADP that, pursuant to the City's "Safer At Home Order" requiring all nonessential businesses to close, "all firearms transactions, including the completion of pending DROS releases, must cease immediately." Detective Meda also advised me that the LAPD would be conducting compliance checks to ensure that firearms retailers are following this directive from the City. I requested written verification of this directive.

1 6. In response to my request, Detective Meda sent me an email shortly
2 thereafter, at 3:25 p.m. (attached as Exhibit 1), stating (emphasis original):

3
4 The Los Angeles Police Department has received direction that the
5 Mayor’s Safer At Home Order directing all nonessential businesses to
6 close means that all firearm transactions, including the completion of
pending DROS releases, must cease immediately.

7 7. Now being under this clear threat of criminal sanctions by Defendants
8 City of Los Angeles and Mayor Garcetti, in order to avoid being arrested,
9 prosecuted, and losing the licenses and permits necessary for The Target Range to
10 conduct its constitutionally protected and lawful business under local, state, and
11 federal law, I have ceased all transactions related to the sale of firearms at The
12 Target Range.

13
14 I declare under penalty of perjury that the foregoing is true and correct.

15 Dated: April 3, 2020

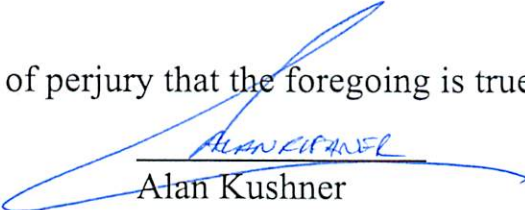
16  Alan Kushner

EXHIBIT 1 – LAPD Email



Alan Kushner <abk5150@gmail.com>

Gun Store Information

1 message

Benjamin Meda <27715@lapd.online>

Thu, Apr 2, 2020 at 3:25 PM

To: "alan@thetargetrange.com" <alan@thetargetrange.com>

Cc: Eric Bixler <33309@lapd.online>

Hello Mr. Alan Kushner,

The Los Angeles Police Department has received direction that the Mayor's Safer At Home Order directing all nonessential businesses to close means that all firearm transactions, including the completion of pending DROS releases, must cease immediately. If you have any questions or concerns please contact me at (213) 486-5360, Detective Ben Meda, LAPD Gun Unit.

Respectfully,

Det. Ben Meda