

1 Michelle Marchetta Kenyon (SBN 127969)  
E-mail: mkenyon@bwslaw.com  
2 Kevin D. Siegel (SBN 194787)  
E-mail: ksiegel@bwslaw.com  
3 BURKE, WILLIAMS & SORENSEN, LLP  
1901 Harrison Street, Suite 900  
4 Oakland, CA 94612-3501  
Tel: 510.273.8780 Fax: 510.839.9104

5 Attorneys for Defendants  
6 CITY OF PACIFICA;  
7 DAN STEIDLE, in his official capacity as  
Chief of Police for City of Pacifica

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11  
12 JANICE ALTMAN, et al.,  
13 Plaintiffs,  
14 v.  
15 COUNTY OF SANTA CLARA  
16 COUNTY, et al.,  
17 Defendants.

Case No. 4:20-cv-02180-JST

**DECLARATION OF PACIFICA POLICE  
CHIEF DAN STEIDLE IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
MOTION FOR PRELIMINARY  
INJUNCTION**

Date: TBD  
Time: TBD  
Judge: Jon S. Tigar

18  
19  
20 I, Dan Steidle, declare:

21 1. I have personal knowledge of the facts set forth in this declaration and, if called as  
22 a witness, could and would testify competently to such facts under oath.

23 2. I have been continuously employed by the City of Pacifica ("City") since 1993. I  
24 have been the City's Police Chief since October 2015.

25 3. My job duties as the City's Police Chief include managing the Pacifica Police  
26 Department, including without limitation supervising the City's sworn police officers (of which  
27 there are currently 33) and developing and overseeing implementation of Police Department  
28 policies.

1           4.       I am familiar with the March 31, 2020 order of Dr. Scott Morrow, Health Officer  
2 for the County of San Mateo, which concerns the COVID-19 pandemic and which I refer to  
3 herein as San Mateo County’s “Shelter-in-Place Order.” I am also familiar with San Mateo  
4 County’s original Shelter-in-Place Order, dated March 16, 2020, which was superseded by the  
5 March 31, 2020 Order.

6           5.       San Mateo County’s Shelter-in-Place Order provides that all businesses with  
7 facilities in San Mateo County shall cease operations—through May 3, 2020, or until it is  
8 extended, rescinded, superseded, or amended in writing by the Health Officer—except for  
9 categories of essential business listed in the Order, which may continue operating, under certain  
10 conditions. (See paragraphs 5, 13(f), and 16 of the Order.)

11           6.       San Mateo County’s Shelter-in-Place Order does not list gun retailers (or gun  
12 stores) as essential businesses (nor did the original Order, issued March 16, 2020).

13           7.       City police officers have informed several operators of businesses that are not  
14 described as essential businesses in the Shelter-in-Place Order that they are required to cease  
15 operations under the Order, including without limitation, the operators of two liquor stores, two  
16 bars, a surfing shop, four tobacco shops, and the City’s sole gun retailer, City Arms. To the best  
17 of my current actual knowledge, each of these business operators complied, and none has been  
18 cited by a City of Pacifica police officer for violating the Order.

19           8.       City Arms is the sole gun retailer with facilities in the City (and there is no  
20 shooting range in the City). On March 23, 2020, City police officers informed the operators of  
21 City Arms that the County of San Mateo had not listed gun retailers as essential businesses, and  
22 therefore that City Arms was obligated to cease operations. However, the City’s Police  
23 Department strove to lawfully and reasonably accommodate sales that were in process (e.g., due  
24 to background checks and waiting periods that had not yet been completed), informing the City  
25 Arms operators that they could complete those transactions as long as they followed required and  
26 appropriate safeguards and completed those transactions within two weeks.

27           9.       I personally communicated in early April 2020 with Dmitriy Danilevsky, whom I  
28 am informed and believe is City Arms’ owner. On or about April 8, Mr. Danilevsky contacted



1 me by email, asserting that City Arms was being improperly singled out as a non-essential  
2 business within the County. On April 10, at approximately 12:10 pm, I replied by email, in  
3 pertinent part as follows:

4 Under San Mateo County Order no. c19-5b, particularly paragraphs 5  
5 and 13(f), gun retailers (stores) are not listed as essential businesses.  
6 Thus, the Order does not permit gun stores, for the time being, to  
7 operate. We appreciate your cooperation. By the way, as is  
8 commonly understood, the purpose of the Order is to limit person-to-  
9 person contact as much as feasible, to save lives, flatten the curve,  
10 ensure that health care providers can safely and effectively provide  
11 health care services, and better protect other essential workers as they  
12 do their jobs (e.g., police officers, transit employees, grocery store  
13 employees). We understand that this presents many challenges for  
14 many people. We appreciate the efforts of all in these challenging  
15 times, as we work together towards fulfillment of the Order's  
16 purposes.

17  
18 10. Mr. Danilevsky replied that day, again asserting that the San Mateo County  
19 Shelter-in-Place Order was being improperly and selectively enforced within the County. I  
20 responded that afternoon as follows:

21 Answering your concern, the City is applying the Order equally  
22 throughout the city. We have given the same direction to all  
23 businesses that are not deemed essential, as is the case with City Arms.  
24 Please understand, we are not in control of what other jurisdictions do  
25 or how they apply the order. We are responsible only for how we  
26 carry out the intent of the Order.

27 Your business as well as all businesses that have closed in Pacifica as  
28 a result of this Order are important to the City. We look forward to a  
point in the future, hopefully sooner than later, where the Order will be  
lifted and we can all get back to business. [Emphasis in original.]

11. A true and correct copy of this April 8 and 10, 2020 email-exchange between Mr.  
Danilevsky and me is attached hereto as **Exhibit A**.

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

Executed on the 27<sup>th</sup> day of April 2020, at Pacifica, California.

  
\_\_\_\_\_  
DAN STEIDLE

# EXHIBIT "A"

# EXHIBIT "A"

---

**From:** Steidle, Daniel <steidled@pacificapolice.org>  
**Sent:** Friday, April 10, 2020 1:25 PM  
**To:** 'City Arms, LLC'  
**Subject:** RE: Gun stores classification as non essential

Hi Mr. Danilevsky,

Answering your concern, the City is applying the Order equally throughout the city. We have given the same direction to all businesses that are not deemed essential, as is the case with City Arms. Please understand, we are not in control of what other jurisdictions do or how they apply the order. We are responsible only for how we carry out the intent of the Order.

Your business as well as all businesses that have closed in Pacifica as a result of this Order are important to the City. We look forward to a point in the future, hopefully sooner than later, where the Order will be lifted and we can all get back to business.

Best Regards,

**Daniel Steidle**  
**Chief of Police**

Pacifica Police Department  
2075 Coast Highway  
Pacifica, CA 94044  
650-738-7314

[steidled@pacificapolice.org](mailto:steidled@pacificapolice.org)



-It is the mission of the men and women of the Pacifica Police Department to protect and serve the members of our community with the highest level of commitment, ethics and professionalism

---

**From:** City Arms, LLC [mailto:cityarms@mail.com]  
**Sent:** Friday, April 10, 2020 12:53 PM  
**To:** Steidle, Daniel  
**Cc:** Vladimir Chaban; Roman Kaplan; yantraytel0203@gmail.com; John Dillon  
**Subject:** Re: Gun stores classification as non essential

**[CAUTION: External Email]**

Hello Chief Steidle,

Thank you for your reply.

However, my main issue is the fact that the above-mentioned county order has only been selectively applied and enforced in the city of Pacifica against our store, whereas other municipalities within the San Mateo County allow gun stores to operate on “by appointment” or “limited accessibility” basis.

At this point, it seems that our business has been singled out and restricted for some unknown or known reasons by the city of Pacifica.

Please advise.

Sincerely,

D. Danilevsky

Get [Outlook for iOS](#)

On Fri, Apr 10, 2020 at 12:19 PM -0700, "Steidle, Daniel" <[steidled@pacificapolice.org](mailto:steidled@pacificapolice.org)> wrote:

Dear Mr. Danilevsky,

Thank you for your patience as I know you have been waiting for a response to your email. Your concerns have been reviewed by City staff and the City Attorney, and the position of the City has not changed.

Under San Mateo County Order no. c19-5b, particularly paragraphs 5 and 13(f), gun retailers (stores) are not listed as essential businesses. Thus, the Order does not permit gun stores, for the time being, to operate. We appreciate your cooperation. By the way, as is commonly understood, the purpose of the Order is to limit person-to-person contact as much as feasible, to save lives, flatten the curve, ensure that health care providers can safely and effectively provide health care services, and better protect other essential workers as they do their jobs (e.g., police officers, transit employees, grocery store employees). We understand that this presents many challenges for many people. We appreciate the efforts of all in these challenging times, as we work together towards fulfillment of the Order’s purposes.

Very Best Regards,

**Daniel Steidle**  
**Chief of Police**

Pacifica Police Department

2075 Coast Highway

Pacifica, CA 94044

650-738-7314

[steidled@pacificapolice.org](mailto:steidled@pacificapolice.org)



-It is the mission of the men and women of the Pacifica Police Department to protect and serve the members of our community with the highest level of commitment, ethics and professionalism

---

**From:** City Arms, LLC [mailto:cityarms@mail.com]  
**Sent:** Wednesday, April 8, 2020 5:59 PM  
**To:** Steidle, Daniel  
**Subject:** Gun stores classification as non essential

**[CAUTION: External Email]**

Hello,

San Mateo county removed their explicit declaration of gun stores as non essential businesses. All gun stores, except for City Arms, in San Mateo county are open (Peninsula tactical, Imbert and Smithers, Coyote Point armory). Is there a specific reason City Arms is singled out and still prohibited from conducting a business?



COUNTY OF SAN MATEO  
ALL OF CALIFORNIA IN ONE  
COUNTY

Menu

## ARE GUN STORES DEFINED AS AN ESSENTIAL BUSINESS IN THE COUNTY'S ORDER?

The Order does not reference gun stores at all and, accordingly, does not specifically define them as an essential business.

[Back to Top](#)



Thank you for your time.

Dmitriy Danilevsky.

Get [Outlook for iOS](#)

**CAUTION: This email originated from outside of the Pacifica Police Department. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.**

**CAUTION: This email originated from outside of the Pacifica Police Department. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.**