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 COUNTY OF SANTA CLARA, LAURIE SMITH,
 7 JEFFREY ROSEN, and SARA CODY

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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

No. 20-CV-02180 (JST)

**DECLARATION OF NEIL VALENZUELA
 IN OPPOSITION TO PLAINTIFFS'
 APPLICATION FOR PRELIMINARY
 INJUNCTION**

Date: May 20, 2020
 Time: 2:00 p.m.
 Judge: Hon. Jon S. Tigar

17 I, Lieutenant Neil Valenzuela, declare as follows:

- 18 1. I have personal knowledge of the facts set forth in this declaration. If called as a
 19 witness, I could and would testify competently to the matters set forth herein.
- 20 2. I am Assistant Division Commander for the West Valley Patrol Division at the Santa
 21 Clara County Sheriff's Office.
- 22 3. The Health Officer of the County of Santa Clara issued an initial Shelter in Place Order
 23 on March 17, 2020 and a second such order on March 31, 2020 (SIP Orders). The
 24 Sheriff's Office has been responsible for enforcing the SIP Orders in unincorporated
 25 areas of the County and in the cities of Saratoga, Cupertino, and Los Altos Hills.
- 26 4. In my position as the Assistant Division Commander, I have been directly involved in
 27 enforcing the SIP Orders. Among other things, I have explained the SIP Orders to and
 28

1 enforced them against businesses and individuals in the field, and I have supervised my
2 patrol team supervisors, who have similar duties. I am also familiar with records the
3 Sheriff's Office regularly generates and maintains in response to service calls and have
4 reviewed such records for SIP-related calls.

5 5. The Sheriff's Office has enforced the SIP Orders only in response to complaints
6 referred from the District Attorney's Office or made directly by residents; it has not
7 proactively enforced those orders.

8 6. Since March 17, 2020, the Sheriff's Office has received roughly 250 reports of
9 violations by individuals and businesses.

10 7. In all but four of the cases, Officers issued warnings rather than citations. All four of
11 the citations were issued to individuals rather than businesses. None of those
12 individuals was cited for buying or selling firearms or engaging in target practice in
13 violation of the SIP.

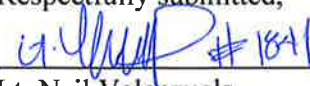
14 8. Officers have issued warnings to many different types of businesses. Construction
15 companies and landscapers/gardeners have elicited the most complaints and, thus,
16 received the greatest number of warnings. However, officers have also given warnings
17 to a beauty salon, a nail salon, a craft store, nurseries, a realty business, a tea shop, an
18 apartment leasing office, and a bagel shop.

19 9. There are no firearms retailers or commercial shooting ranges in the Sheriff Office's
20 jurisdiction (other than a range operated by the County, which has been closed since the
21 first SIP Order issued on March 17, 2020); thus, it has not issued any warnings or
22 citations to any such businesses.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct. Executed at San José, California on April 27, 2020.

25 Dated: Apr. 27, 2020

Respectfully submitted,

26  #1841
27 Lt. Neil Valenzuela