

C. D. Michel – SBN 144258
Anna M. Barvir – SBN 268728
Tiffany D. Cheuvront – SBN 317144
MICHEL & ASSOCIATES, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Telephone: 562-216-4444
Facsimile: 562-216-4445
cmichel@michellawyers.com

Attorneys for Plaintiffs/Petitioners
G. Mitchell Kirk and California Rifle
& Pistol Association, Incorporated

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA
DOWNTOWN COURTHOUSE

G. MITCHELL KIRK; and CALIFORNIA
RIFLE & PISTOL ASSOCIATION,
INCORPORATED,

Plaintiffs and Petitioners,

vs.

CITY OF MORGAN HILL; MORGAN HILL
CHIEF OF POLICE DAVID SWING, in his
official capacity; MORGAN HILL CITY
CLERK IRMA TORREZ, in her official
capacity; and DOES 1-10,

Defendants and Respondents

Case No: 19CV346360

**DECLARATION OF G. MITCHELL KIRK
IN SUPPORT OF PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

Date: July 2, 2020
Time: 9:00 a.m.
Judge: Judge Peter Kirwan
Dept.: 19

[Filed concurrently with Plaintiffs' Notice
of Motion and Motion for Summary
Judgment, Memorandum of Points and
Authorities, Separate Statement of
Undisputed Facts, Request for Judicial
Notice, and Declarations of Anna M.
Barvir and Michael Barranco]

Action filed: April 15, 2019

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

1. I am a plaintiff in the above-entitled action, and I make this declaration of my own personal knowledge. If called as a witness, I could and would testify competently to the truth of the matters set forth herein.

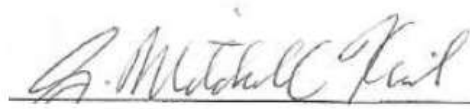
3. I am a law-abiding citizen of the United States under the laws of the United States state of California. I have never been found by any law enforcement agency, any court, or any government agency to be irresponsible, unsafe, or negligent with firearms in any manner.

5. Because I am not a law enforcement officer, peace officer, United States marshal, member of the United States military or National Guard, or a federally licensed firearms dealer, I comply with Penal Code section 25250 if I discover my firearm has been lost or stolen and report the loss or theft to local law enforcement within five days.

7. Additionally, if I notice my firearm is missing, I would have to report it to police within 48 hours even if I am not yet sure whether the firearm was lost or stolen or whether I simply misplaced it. I believe this wastes police time and resources, but I risk prosecution under the City's law if I fail to comply.

8. Like many law-abiding and responsible gun owners, I would report the theft of my firearm even absent the City's mandate, but because of the City's strict 48-hour timeline and the fact that I cannot be certain what the City will consider to be the date I "reasonably should have known" my firearm was lost or stolen, I fear being prosecuted if I do not know exactly when my firearm was lost or stolen.

1 I declare under penalty of perjury under the laws of the State of California that the forgoing
2 is true and correct. Executed on April 30, 2020, at Morgan Hill, California.

3
4 

5 G. Mitchell Kirk
6 Declarant
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, 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.

On May 1, 2020, I served the foregoing document(s) described as

**DECLARATION OF G. MITCHELL KIRK IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

on the interested parties in this action by placing

☐ the original
☒ a true and correct copy

thereof by the following means, addressed as follows:

Roderick M. Thompson

rthompson@fbm.com

James Allison

jallison@fbm.com

Farella Braun + Martel LLP

235 Montgomery Street, 17th Floor

San Francisco, CA 94104

Attorneys for Defendants/Respondents

Hannah Shearer

hshearer@giffords.org

Hannah Friedman

hfriedman@giffords.org

Giffords Law Center to Prevent Gun Violence

268 Bush Street #555

San Francisco, CA 94104

 X (BY ELECTRONIC TRANSMISSION) As follows: I served a true and correct copy by electronic transmission via One Legal. Said transmission was reported and completed without error.

 X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 1, 2020, at Long Beach, California.

s/ Laura Palmerin

Laura Palmerin