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Attorneys for Plaintiffs/Petitioners
G. Mitchell Kirk and California Rifle
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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 MICHAEL
BARRANCO 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 G. Mitchell Kirk]

Action filed: April 15, 2019

1 **DECLARATION OF MICHAEL BARRANCO**

2 I, Michael Barranco, declare:

3 1. I am the Vice President of California Rifle & Pistol Association, Incorporated
4 ("CRPA"), one of the plaintiffs in the above-entitled action. I make this declaration of my own
5 personal knowledge. If called as a witness, I could and would testify competently to the truth of
6 the matters set forth herein.

7 2. CRPA was founded in 1875, and it has been the mission of CRPA to work to
8 protect the rights of those who choose to own a firearm for sport, self-defense, and defense of
9 others.

10 3. CRPA is a California corporation and non-profit membership organization
11 dedicated to the preservation and advancement of the Second Amendment rights of its individual
12 members and the public. With tens of thousands of members in California alone, CRPA
13 represents a wide range of gun owners seeking to protect the constitutional right to keep and own
14 firearms for self-defense and other lawful purposes, to learn basic firearm safety, and to
15 participate with other like-minded individuals in addressing concerns regarding the Second
16 Amendment and lawful gun ownership.

17 4. CRPA works to defend the rights of firearm owners throughout the state through
18 legislative action, regulatory monitoring, and litigation of high-profile cases focused on protection
19 of gun rights as this activity supports the purposes of CRPA.

20 5. I am personally aware that CRPA represents the interests of members who reside
21 in the city of Morgan Hill ("City") who are law-abiding firearms owners, as well as CRPA
22 members who may travel to or through the City from time to time.

23 6. CRPA counts among its members and supporters law enforcement officers, peace
24 officers, members of the United States military and National Guard, and federally licensed
25 firearms dealers.

26 7. But CRPA also represents the interests of countless members and supporters who
27 are not law enforcement officers, peace officers, United States marshals, members of the United
28 States military or National Guard, or federally licensed firearms dealers.

8. As for CRPA's members who are not law enforcement officers, peace officers, United States marshals, members of the United States military or National Guard, or federally licensed firearms dealers, they must comply with Penal Code section 25250 if they discover their firearm has been lost or stolen and report the loss or theft to local law enforcement within five days.

9. But, as a result of Morgan Hill Municipal Code section 9.04.030, CRPA members who are the victims of firearm theft, or who lose their firearm, have only 48 hours to report that theft or loss to local law enforcement, when California state law explicitly gives them five days to do so. While this harms CRPA members who are residents of the City, in that they have less time to report, it is especially dangerous to CRPA members who are simply traveling to or through the City, as they cannot be expected to know that local law contradicts state law.

10. While CRPA advocates that law-abiding and responsible gun owners should promptly report the theft of their firearm even absent the City's mandate, the organization has also warned that laws that, like the ordinance at issue, impose a strict 48-hour reporting deadline from the date one knew or "reasonably should have known" their firearm was stolen, can have the unintended deleterious consequence of deterring theft-reporting because gun owners may fear prosecution if they do not know just when their firearm was lost or stolen. Such laws also may have the unintended consequence of deterring cooperation with law enforcement in the event of firearm theft if it is possible that more than two days have lapsed since the firearm was stolen.

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

22. 7. 6. —

Michael Barranco
Declarant

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 MICHAEL BARRANCO IN SUPPORT OF
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

on the interested parties in this action by placing

[] the original
[X] a true and correct copy

thereof by the following means, addressed as follows:

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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