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Attorneys for Petitioners-Plaintiffs

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

BEST NET SALE, INC. d/b/a ELITE
ARMORY, a California corporation; SOLAR
TACTICAL, INC., a California corporation;
FFLGUARD, LLC, a Delaware limited
liability company; and the CALIFORNIA
RIFLE & PISTOL ASSOCIATION,
INCORPORATED, a California corporation,

Petitioners-Plaintiffs,

v.

COUNTY OF ALAMEDA; DR. ERICA
PAN, Interim Health Officer of the County of
Alameda, in her official capacity; GREGORY
J. AHERN, Alameda County Sheriff, in his
official capacity; NANCY E. O'MALLEY,
Alameda County District Attorney, in her
official capacity; and DOES 1-25,

Respondents-Defendants.

Case No.:

**DECLARATION OF GABRIEL CASILLAS
IN SUPPORT OF EX PARTE
APPLICATION TO STAY
ENFORCEMENT OF ALAMEDA ORDER
REQUIRING LICENSED FIREARM
DEALERS TO CLOSE OR
ALTERNATIVELY, FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO
SHOW CAUSE**

Hearing Date: TBA
Hearing Time: TBA
Department: TBA

DECLARATION OF GABRIEL CASILLAS

I, Gabriel Casillas, declare:

1. I am an owner of Best Net Sale, Inc., d/b/a Elite Armory (“Elite Armory”), one of the petitioners in this action. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. Elite Armory is a California corporation located in Castro Valley, California, with a sister store located in Tracy, California. Both locations are engaged in the business of selling and transferring firearms and ammunition in accordance with federal, state, and local laws.

3. In addition to having a license to sell and transfer firearms, Elite Armory holds a secondhand dealer’s license jointly approved and issued by the Alameda County Sheriff’s Office and California Department of Justice allowing Elite Armory to engage in activities that include firearms taken in trade, taken in pawn, accepted for sale on consignment, or accepted for auction.

4. To lawfully transfer a firearm, a customer must complete ATF Form 4473 and Elite Armory must submit a Dealer Record of Sale (“DROS”) to the California Department of Justice, Bureau of Firearms (“DOJ”), through a web-based application known as the DROS Entry System (“DES”). Only when Elite Armory is notified in DES that the transaction has been “approved” can Elite Armory then release the firearm to the customer. Assuming the customer passes the required background check, California law also requires Elite Armory to hold the firearm for at least 10-days following the submission of the transaction through DES.

5. To lawfully transfer ammunition, DOJ regulations require Elite Armory to collect the customer’s personal information and submit that information to DOJ using DES. As with firearm transactions, only when Elite Armory is notified in DES that the transaction has been “approved” can Elite Armory then release the ammunition to the customer.

6. On or about March 19, 2020, deputies with the Alameda County Sheriff’s Department ordered Elite Armory to close its business and ordered customers currently waiting in line to leave. In compliance with that order, Elite Armory’s Castro Valley location has ceased all operations.

7. Of Elite Armory’s two locations, only its Castro Valley location has been ordered

1 to cease all operations as a result of a current public health order.

2 8. As of the date of this declaration, Elite Armory's Castro Valley location has
3 approximately 108 DROS transactions involving a firearm pending with DES. Many of these
4 transactions have already been "approved" and can legally be delivered to their respective
5 customers. But because Alameda County has ordered Elite Armory's Castro Valley location to
6 cease all operations, these transactions cannot be completed.

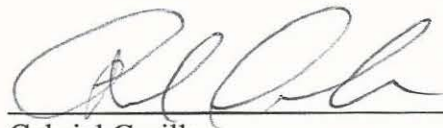
7 9. Once a transaction has been "approved" in DES, the customer must complete the
8 transaction within 30 days. Failure to complete the transaction will require the customer to
9 complete a new ATF 4473 Form and require Elite Armory to submit a new DROS transaction
10 through DES, effectively requiring the entire transfer process to start over.

11 10. On April 6, 2020, DOJ issued a notice in DES which states that DOJ employees
12 will continue to process firearm and ammunition transactions submitted through DES.

13 11. Elite Armory will suffer immediate threat of irreparable harm if forcibly continued
14 to cease all operations at its Castro Valley location, including furloughing or terminating staff and
15 having no choice but to cease operations at its Castro Valley location permanently.

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

18 Executed on April 13, 2020, at Castro Valley, California.

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22 Gabriel Casillas
23 Declarant
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1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF ALAMEDA

4 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.

5 On April 21, 2020, I served the foregoing document(s) described as

6 **DECLARATION OF GABRIEL CASILLAS IN SUPPORT OF EX PARTE**
7 **APPLICATION TO STAY ENFORCEMENT OF ALAMEDA ORDER REQUIRING**
8 **LICENSED FIREARM DEALERS TO CLOSE OR ALTERNATIVELY, FOR**
9 **TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

10 on the interested parties in this action by placing

11 ☐ the original

12 ☒ a true and correct copy

13 thereof by the following means, addressed as follows:

14 Donna R. Ziegler, Alameda County Counsel

15 Email: donna.ziegler@acgov.org

16 Kristy van Herick, Assistant County Counsel

17 Email: kristy.vanherick@acgov.org

18 Jill Sazama

19 Email: jill.sazama@acgov.org

20 1221 Oak Street, Suite 450

21 Oakland, CA 94612-4296

Sheriff Gregory J. Ahern

Alameda County Sheriff

1401 Lakeside Drive, 12th Floor

Oakland, CA 94612-4305

Email: gahern@acgov.org

22 Dr. Erica Pan

23 Alameda County Public Health Department

24 1000 Broadway, Suite 500

25 Oakland, CA 94607

26 Email: erica.pan@acgov.org

27 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission to the emails shown above. Said transmission was reported and completed without error.

28 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 April 21, 2020, at Long Beach, California.



Laura Palmerin