1	Donald E. J. Kilmer, Jr. [SBN: 179986] LAW OFFICES OF DONALD KILMER	ENDORSED	
2	1645 Willow Street, Suite 150 San Jose, California 95125	2013 JUN 14 P 2: 01	
3	Voice: (408) 264-8489 Fax: (408) 264-8487	David H., Yomesonij, Clark od Nej Dyperjer Court	
4 5	Attorney for Respondent: LORI RODRIGUEZ	Colsyd Sata Viza, Calibria Fig. 1725, Viz. G. Gerroay Co-Actiac	
6	LORI RODRIGUEZ	S. Gencayco-Adamy	
7			
8		RT OF CALIFORNIA	
9		ARA COUNTY W DIVISION	
10	CITY OF SAN JOSE,	Case No.: 1-13-CV-241669	
11	Petitioner,	DECLARATION AND OFFER OF PROOF OF LORI RODRIGUEZ	
12	vs.	Welfare and Institutions Code §§ 8100 et	
13	EDWARD RODRIGUEZ,	seq	
14 15	Respondent.	Hearing: July 11, 2013 Time: 9:00 a.m. Dept.: 8	
16	LORI RODRIGUEZ,	Бери	
17	Co-Respondent.		
18	I, Lori Rodriguez, declare as follow	vs:	
19	1. I am married to Edward Rodrigue	z, the named Respondent in this matter.	
20	2. We have been married for almost	20 years.	
21	3. My husband was taken into custo	dy by the San Jose Police Department on or	
22	about January 24, 2013. He was placed on a psychiatric hold pursuant to		
23	Welfare and Institutions Code § 5		
24	4. I acknowledge that Edward is currently prohibited from owning, acquiring or		
25 26	possession firearms and/or ammunition. 5. The firearms in our home were kept in a safe.		
27		munity property, though they may be	
28	"registered" in either Edward's na		
5		- 1 of 9	
ı	Decl: Lori Rodriguez Pag	e 1 of 3 City v. Rodriguez	

Donald Kilmer Attorney at Law 1645 Willow St. Suite 150 San Jose, CA 95125 Vc: 408/264-8489 Fx: 408/264-8487

1 7. No firearms were out or used, nor was there a threatened use of firearms 2 during the event that triggered my husband's episode. 3 8. After the San Jose Police had my husband safely in their custody, they informed me that they were required by Department Policy to confiscate all 4 firearms in the home. 5 6 I informed the officers that no firearms were used or threatened, and that all 7 the firearms were safely stored in a gun safe and that I preferred that they 8 leave the firearms where they were. The police insisted and claimed that the 9 seizure was required by law and Department policy. I opened the gun safe 10 and the police took all of our firearms. The police took twelve (12) firearms but did not leave a receipt for them. I 11 10. 12 have provided the City of San Jose with a list of the firearms taken, 13 identified by Make, Caliber and Serial Number. 11. Attached as Exhibit A is a copy of a receipt that shows the Court that I own a 14 15 firearm safe. 12. Attached as Exhibit B is a copy of a receipt dated April 26, 2013 showing that 16 I had the combination to the safe changed. 17 Attached as Exhibit C is a copy of a Personal Firearms Eligibility Check 18 13. (PFEC) Notification dated May 8, 2013 showing that I am personally eligible 19 20 to possess and purchase firearms. If the Court grants my request to have my firearms returned to me I will: 21 14. Complete a California Department of Justice, Bureau of Firearms – 22a. Report of Operation of Law or Intra-Family Handgun Transfer [Form 23 BOF 4544Al for all handguns to effect a change of registration. 24 As no paperwork is required to change "registration" of long guns, I 25 b. acknowledge that I must also complete a Law Enforcement Gun 26 27 Release Application [Form BOF 119] form to effectuate a transfer back to me of the firearms taken by the City of San Jose. 28

Donald Kilmer Attorney at Law 1645 Willow St. Suite 150 San Jose, CA 95125 Vc: 408/264-8489

Fx: 408/264-8487

1	15.	I acknowledge that I ha	ave a duty under the Penal Code and '	Welfare and
2		Institutions Code to pro	event Edward from obtaining access to	o any firearms or
3		ammunition that are u	nder my control while he continues to	be a prohibited
4		person, and I promise t	to store all firearms and ammunition i	n the gun safe
5		(which has already had	l the combination changed) referenced	above.
6	16.	I agree to be bound by	my fax/scan signature set forth below	with the
7		necessity of filing or ret	taining an original.	
8		I declare under penalty	of perjury under the laws of Californ	ia that the
9	forgoi	ing is true and correct, tl	hat true and correct copies of the docu	ments identified
10	above	e are attached to this dec	claration and that this declaration was	s executed in Sar
11	Jose,	California.		
12		Date:	FAX SIGNATU	RE
13			ATTACHED	***************************************
14			Lori Rodriguez	
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	Decl: Lo	ri Rodriguez	Page 3 of 3	City v. Rodriguez

Donald Kilmer
Attorney at Law
1645 Willow St.
Suite 150
San Jose, CA 95125
Vc: 408/264-8489
Fx: 408/264-8487

1	15.	I acknowledge that I have a duty under	the Penal C	Code and Welfare and
2		Institutions Code to prevent Edward fr	om obtainin	g access to any firearm
3		ammunition that are under my control	while he cor	ntinues to be a prohibit
4		person, and I promise to store all firear	ms and amr	nunition in the gun sat
5		(which has already had the combination	n changed) r	referenced above.
6	16.	I agree to be bound by my fax/scan sign	ature set for	rth below with the
7		necessity of filing or retaining an origin	nal.	
8		I declare under penalty of perjury under	er the laws o	f California that the
9	forgo	ing is true and correct, that true and cor	rect copies o	f the documents identi
10	above	e are attached to this declaration and the	at this decla	ration was executed in
11	Jose,	California.		
12		Date: 5-29-13	\mathcal{L} .	Rodriguez
13				1 or gary
14			Lori Rodrig	lez
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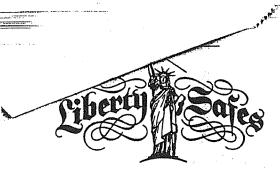
Institutions Code to prevent Edward from obtaining access to any firearms or
ammunition that are under my control while he continues to be a prohibited
person, and I promise to store all firearms and ammunition in the gun safe
(which has already had the combination changed) referenced above.
Lagree to be bound by my fay/scan signature set forth below with the

ne laws of California that the copies of the documents identified his declaration was executed in San

Donald Kilmer
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San Jose, CA 95125
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Fx: 408/264-8487

Decl: Lori Rodriguez

Exhibit A



INVOICE SJ

6796

LIBERTY SAFES OF SAN JOSE

2897 So. Bascom Ave.. • Campell, CA 95008

Phone: 408-559-5004 Fax: 408-879-9328 www.libertysafenorcal.com

		** ** **.	DATE:	FV16	240	12	
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	San Jose CA 95136		·····				
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				DEPOSIT			
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A TOTAL STATES	Accepted By		Date	1.75% per month (21% rate) will be charned o	% annual percentag	e	-

Baker's LOCK & KEY SERVICE

Contractor's Lic. 507700 2951 Union Avenue SAN JOSE, CALIFORNIA 95124

SECURITY

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Pairs and Labor, Guaranteed 30 days.			
CUSTOMER'S X T VILLY	TOTAL MATERIALS	``	
AUTHORIZATION FOR SECURITY/EMERGENCY SERVICES I hereby certify that I have the authority to order the lock, key or security work	TOTAL LABOR		
designated above. Further, I agree to absolve the locksmith who bears this authorization from any and all claims arising from the performance of such work.	SERVICE CHG.		
SIGNATURE DATE ADDRESS	SUBTOTAL		
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YEAR MAKE LICENSE/SERIAL NUMBER .	TOTAL	7150	17
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WORK ORDER INVOICE

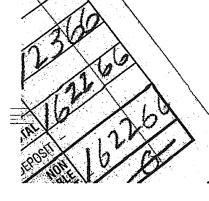






Exhibit C



State of California Department of Justice Bureau of Firearms P.O. Box 820200, Sacramento, CA 94203-0200



PERSONAL FIREARMS ELIGIBILITY CHECK (PFEC) NOTIFICATION

May 8, 2013 (date check was completed)

LORI A RODRIGUEZ 4691 MIA CIRCLE SAN JOSE, CA 95136

THIS NOTICE IS FOR INFORMATION PURPOSES ONLY IT DOES NOT AUTHORIZE THE SALE OR TRANSFER OF ANY FIREARM

V	You are eligible to both possess and purchase firearms as of the date the check was completed.
	You are ineligible to either possess or purchase firearms as of the date the check was completed.
	You are eligible to possess firearms as of the date the check was completed, but ineligible to purchase firearms as of the date the check was completed.
	A firearms eligibility determination could not be confirmed as of the date the check was completed. Please contact (916) 227-3749 for more information.
or no	erson or agency may require or request another person to obtain a firearms eligibility check otification of firearms eligibility pursuant to section 30105 of the Penal Code. A violation of provisions is a misdemeanor.

If the applicant for a firearms eligibility check purchases, transfers, or receives a firearm through a licensed dealer as required by law, a waiting period and background check are both required.

PLEASE BE AWARE OF THE FOLLOWING

If you are ELIGIBLE to purchase:

Upon application to purchase a firearm another background check will be conducted and the waiting period will apply.

A valid California Driver License or Identification Card is required at the time of purchase of any firearm.

A valid Alien Registration Card or I-94 is required at the time of purchase of any firearm if applicant is a non-U.S. citizen. The non-U.S. citizen applicant must also meet certain federal requirements to purchase a firearm, unrelated to the firearms eligibility background check.

If you are INELIGIBLE to purchase:

And if you are also ineligible to possess, you must relinquish any firearms in your possession to your local law enforcement agency or complete and follow the directions stated on the enclosed 'Prohibited Persons Notice Form and Power of Attorney Declaration for Firearms Transfer and Disposal Form.'

If you have questions regarding this notification, please contact DOJ at (916) 227-3749.

PFEC CONTROL#: 11090