

1 Donald E. J. Kilmer, Jr. [SBN: 179986]  
2 LAW OFFICES OF DONALD KILMER  
3 1645 Willow Street, Suite 150  
4 San Jose, California 95125  
5 Voice: (408) 264-8489  
6 Fax: (408) 264-8487

7 Attorney for Respondent:  
8 LORI RODRIGUEZ

ENDORSED

2013 JUN 14 P 2:01

David H. Jennings, Clerk of the Superior Court  
County of Santa Clara, California  
By: \_\_\_\_\_  
S. Garcia-Arias

9 SUPERIOR COURT OF CALIFORNIA  
10 SANTA CLARA COUNTY  
11 CIVIL LAW DIVISION

12 CITY OF SAN JOSE,  
13 Petitioner,

14 vs.

15 EDWARD RODRIGUEZ,  
16 Respondent.

17 LORI RODRIGUEZ,  
18 Co-Respondent.

Case No.: 1-13-CV-241669

**DECLARATION AND OFFER OF  
PROOF OF LORI RODRIGUEZ**

Welfare and Institutions Code §§ 8100 et  
seq

Hearing: July 11, 2013  
Time: 9:00 a.m.  
Dept.: 8

I, Lori Rodriguez, declare as follows:

- 19 1. I am married to Edward Rodriguez, the named Respondent in this matter.
- 20 2. We have been married for almost 20 years.
- 21 3. My husband was taken into custody 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 § 5150.
- 24 4. I acknowledge that Edward is currently prohibited from owning, acquiring or  
25 possession firearms and/or ammunition.
- 26 5. The firearms in our home were kept in a safe.
- 27 6. The firearms in our home are community property, though they may be  
28 "registered" in either Edward's name or my own.

- 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  
4 informed me that they were required by Department Policy to confiscate all  
5 firearms in the home.
- 6 9. 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.
- 11 10. The police took twelve (12) firearms but did not leave a receipt for them. I  
12 have provided the City of San Jose with a list of the firearms taken,  
13 identified by Make, Caliber and Serial Number.
- 14 11. Attached as Exhibit A is a copy of a receipt that shows the Court that I own a  
15 firearm safe.
- 16 12. Attached as Exhibit B is a copy of a receipt dated April 26, 2013 showing that  
17 I had the combination to the safe changed.
- 18 13. Attached as Exhibit C is a copy of a Personal Firearms Eligibility Check  
19 (PFEC) Notification dated May 8, 2013 showing that I am personally eligible  
20 to possess and purchase firearms.
- 21 14. If the Court grants my request to have my firearms returned to me I will:  
22 a. Complete a California Department of Justice, Bureau of Firearms –  
23 Report of Operation of Law or Intra-Family Handgun Transfer [Form  
24 BOF 4544A] for all handguns to effect a change of registration.  
25 b. As no paperwork is required to change "registration" of long guns, I  
26 acknowledge that I must also complete a Law Enforcement Gun  
27 Release Application [Form BOF 119] form to effectuate a transfer back  
28 to me of the firearms taken by the City of San Jose.

1 15. I acknowledge that I have a duty under the Penal Code and Welfare and  
2 Institutions Code to prevent Edward from obtaining access to any firearms or  
3 ammunition that are under my control while he continues to be a prohibited  
4 person, and I promise to store all firearms and ammunition in the gun safe  
5 (which has already had 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 retaining an original.

8 I declare under penalty of perjury under the laws of California that the  
9 forgoing is true and correct, that true and correct copies of the documents identified  
10 above are attached to this declaration and that this declaration was executed in San  
11 Jose, California.

12 Date:

**FAX SIGNATURE  
ATTACHED**

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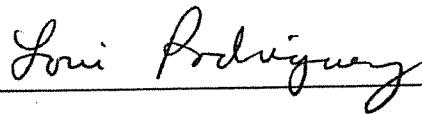
Lori Rodriguez

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10 above are attached to this declaration and that this declaration was executed in San  
11 Jose, California.

12 Date: 5-29-13

13 

14 Lori Rodriguez

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Exhibit A



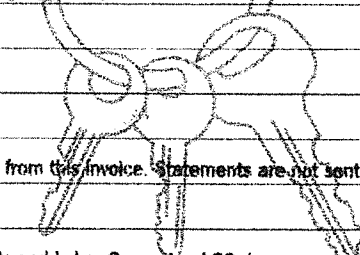
Exhibit B



### Baker's LOCK & KEY SERVICE

Contractor's Lic. 507700  
 2951 Union Avenue  
 SAN JOSE, CALIFORNIA 95124  
 (408) 377-9210



NAME <i>Lori Rodriguez</i>		DATE <i>4/26/13</i>	
ADDRESS <i>4691 MIAC</i>			
LOCATION		RES. PHONE	
		BUS. PHONE	<i>307-0825</i>
QTY.	DESCRIPTION	PRICE	AMOUNT
	<i>Service Call</i>		<i>7500</i>
	<i>Safe Combo Change</i>		<i>7500</i>
	<i>(Liberty Safe)</i>		
	<b>LOCKSMITH</b>		
			
Pay from this invoice. Statements are not sent.			<i>Paid VISA</i>
Parts and Labor Guaranteed 30 days.			
CUSTOMER'S SIGNATURE <i>X [Signature]</i>		TOTAL MATERIALS	
AUTHORIZATION FOR SECURITY/EMERGENCY SERVICES I hereby certify that I have the authority to order the lock, key or security work 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.		TOTAL LABOR	
SIGNATURE		DATE	<input type="checkbox"/> SERVICE CHG. <input type="checkbox"/> TRIP CHG.
ADDRESS		SUBTOTAL	
YEAR	MAKE	IF AUTO	LICENSE/SERIAL NUMBER
		TAX	
		TOTAL	<i>\$15000</i>

B PRODUCT 619

71253

**WORK ORDER INVOICE**

*12366*  
*162266*  
*162266*  
 DEPOSIT  
 NON  
 BLE



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**

- 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.

*No person or agency may require or request another person to obtain a firearms eligibility check or notification of firearms eligibility pursuant to section 30105 of the Penal Code. A violation of these 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.*