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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JAMES FAHR; DESIREE  
BERGMAN; COLIN RUDOLPH;  
SAN DIEGO COUNTY GUN  
OWNERS PAC and, FIREARMS  
POLICY COALITION, INC.,

Plaintiffs,

v.

CITY OF SAN DIEGO,  
CALIFORNIA; and DAVID NISLEIT,  
in his official capacity as Chief of  
Police of San Diego City, California,

Defendants.

Case No.: '21CV1676 BAS BGS

**DECLARATION OF MICHAEL SCHWARTZ**

I, Michael Schwartz, am competent to state and declare the following based on my personal knowledge:

1. I am the Executive Director of San Diego County Gun Owners PAC (SDCGO), a Plaintiff in this action. I am authorized to testify on behalf of SDCGO as to matters set forth in this Declaration.
2. I have personal knowledge of the facts stated herein, have reviewed the Complaint, Motion for Preliminary Injunction, and Memorandum in Support of the Motion for Preliminary Injunction, and if called as a witness, could competently testify thereto.
3. I have held the position of Executive Director of SDCGO since 2015. As its Executive Director, I am duly authorized to act on behalf of the organization.
4. SDCGO is a local political organization whose purpose is to protect and advance the Second Amendment rights of residents of San Diego County, California, through its efforts to support and elect local and state representatives who support the Second Amendment right to keep and bear arms.
5. SDCGO's membership and donors consist of Second Amendment supporters, people who own guns for self-defense and sport, firearms dealers, shooting ranges, and elected officials who want to restore and protect the right to keep and bear arms in California.
6. SDCGO has members in the City of San Diego and San Diego County. SDCGO represents the interests of its members, including in individual

plaintiffs in this matter, who wish to self-manufacture firearms for self-defense and lawful purposes in the exercise of the Second Amendment rights without being subjected to the threat of criminal sanction under the Ordinance.

7. Plaintiff SDCGO represents its San Diego resident members—who include gun owners, prospective gun owners and self-manufacturers, retailers of NFOs, parts, and firearms, and others—and brings this action on behalf of its San Diego resident members, including the named Plaintiffs herein.
8. Plaintiff SDCGO's San Diego resident members, including the individual Plaintiffs in this case, have been and will continue to be adversely and directly harmed by Defendants' administration, implementation, and enforcement of the laws, and related regulations, policies, practices, and customs challenged herein and will otherwise remain so adversely and directly affected under the San Diego Ban.
9. Many of Plaintiff SDCGO's San Diego resident members lawfully acquired unserialized firearm components are commonly possessed by law-abiding citizens in the exercise of their right to self-manufacture such firearms for self-defense and other lawful purposes.
10. However, those San Diego resident members are mandated to dispossess themselves of the unserialized firearm components by the effective date of the Ordinance or face criminal prosecution under Section 53.18(c)(1) of San Diego's Ban.

11. Many of Plaintiff SDCGO's San Diego resident members desire to continue to own and possess the now-banned firearm components for lawful purposes, and to not sell or otherwise dispose of them, but they reasonably fear criminal sanction in light of the statutorily mandated dispossession established under 53.18(c)(1) of San Diego's Ban.

12. Many of Plaintiff SDCGO's San Diego resident members also desire to acquire additional NFOs otherwise commonly available for purchase and commonly used in the self-manufacturing of firearms for self-defense and other lawful purposes, including those that fall within the definition of "unfinished frames" or "unfinished receivers" under San Diego's Ban, and further desire to self-manufacture additional operable firearms for self-defense or other lawful purposes. However, they are currently prohibited from purchasing or otherwise acquiring any such unfinished receivers or frames under section 53.18(c)(1) of the Ban, and without the ability to lawfully acquire or possess the requisite precursor materials, they are likewise prohibited from self-manufacturing any operable firearms. Further, they are prohibited from ever again possessing, purchasing, transporting, or receiving any such NFO's or precursor parts or materials, upon effect of the Ordinance.

13. Based on this threat of criminal prosecution by and through the San Diego Ban that Defendants are actively enforcing, Plaintiff SDCGO's San Diego

resident members have been prevented from acquiring, possessing, transporting, or receiving NFOs, and from self-manufacturing any additional operable firearms from NFOs, for self-defense and other lawful purposes.

14. Plaintiff SDCGO reasonably fears the prosecution of its San Diego resident members by and through Defendants' administration, implementation, and enforcement of the laws, regulations, policies, practices, and customs challenged herein.

15. As to all claims made in a representative capacity herein, there are common questions of law and fact that substantially affect the rights, duties, and liabilities of numerous SDCGO San Diego resident members who knowingly or unknowingly are subject to the San Diego Ban.

I, Michael Schwartz, verify that SDCGO is a Plaintiff named in this action and all the information contained herein is true and correct to the best of my information, knowledge, and belief.

Dated: September 23, 2021



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Michael Schwartz