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10 Attorneys for PLAINTIFFS

Francisco Gudino Cardenas and Troy McFadyen, et al.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF ORANGE

15 GHOST GUNNER FIREARMS CASES

JCCP No. 5167

16 Included actions:

Superior Court of California

County of Orange

Case No. 30-2019-01111797-CU-PO-CJC

18 30-2019-01111797-CU-PO-CJC *Cardenas v.*  
*Ghost Gunner, Inc. dba GhostGunner.net, et al.*

Superior Court of California

County of San Bernardino

Case No. CIV-DS-1935422

20 CIV-DS-1935422 *McFadyen, et al. v. Ghost*  
*Gunner, Inc., dba GhostGunner.net, et al.*

**DECLARATION OF AMY K. VAN  
ZANT IN SUPPORT OF PLAINTIFFS'  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN OPPOSITION TO  
JUGGERNAUT TACTICAL, INC.'S  
MOTION FOR DISMISSAL,  
ATTORNEYS' FEES, AND OTHER  
SANCTIONS**

Date.: October 14, 2022

Time: 9:00 a.m.

Dept.: CX 104

Judge: Hon. William D. Claster

1 I, Amy K. Van Zant, declare as follow:

2 1. I am an attorney, duly licensed to practice law in California, associated with the  
3 law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”), counsel of record for Plaintiffs  
4 Cardenas and McFayden, et al. I have personal knowledge of the following facts, except for  
5 those based on information and belief, which I believe to be true, and if called upon to testify,  
6 I could and would competently testify to their truth and accuracy.

7 2. This declaration is submitted in support of Plaintiff’s opposition to Juggernaut  
8 Tactical’s Motion for Sanctions Pursuant to California Code of Civil Procedure Section 128.7.

9 3. Counsel for Plaintiffs and our consulting experts attended the May 24, 2022  
10 weapons inspection that was informally offered by the Tehama County Sherriff’s Office  
11 (“TCSO”). The inspection, while helpful, was in no way determinative of the firearms evidence  
12 that will be necessary in the case. As a starting point, the parties have not yet been permitted to  
13 take the depositions of the TCSO personnel who collected the firearms (and firearm parts)  
14 presented for inspection. We do not know when these firearms were collected, whether other law  
15 enforcement agencies were involved in collecting evidence (we believe there may have been) and  
16 whether additional weapons evidence is in the possession of other agencies. Nor have we had the  
17 opportunity to examine TCSO personnel on the completeness of their search for relevant  
18 evidence, e.g., when were searches conducted, where was each device collected, what records  
19 were searched to determine whether Mr. Neal had access to additional weapons that have not yet  
20 been recovered. Each of these unsettled foundational issues bars Juggernaut’s claim of  
21 “incontrovertible” evidence requiring dismissal and sanctions.

22 4. I had a call on or around August 23, 2022 regarding the parties’ joint CMC  
23 statement, and Mr. Schilsky stated he was disappointed Plaintiffs had not responded to his June  
24 and July letters. I stated that I did not understand either letter to invite a response, noted that I  
25 had been out for much of that period, but offered to conduct a call as soon as possible. I met with  
26 Mr. Schilsky about the sanctions motion on September 8, 2022 and intend to have further  
27 communications in advance of the hearing.

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5. On August 24, 2022, Defendants' Liaison Counsel, Sean Brady, sent a similar Letter on behalf of the three defendants he represents saying they too plan to bring a sanctions motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 13th day of September, 2022, at Menlo Park, California.

By: /s/ Amy Van Zant  
Amy K. Van Zant