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Attorney for Plaintiff Second Amendment Foundation

IN THE UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

JUNIOR SPORTS MAGAZINES  
 INC., RAYMOND BROWN,  
 CALIFORNIA YOUTH SHOOTING  
 SPORTS ASSOCIATION, INC.,  
 REDLANDS CALIFORNIA  
 YOUTH CLAY SHOOTING  
 SPORTS, INC., CALIFORNIA  
 RIFLE & PISTOL ASSOCIATION,  
 INCORPORATED, THE CRPA  
 FOUNDATION, AND GUN  
 OWNERS OF CALIFORNIA, INC.;  
 and SECOND AMENDMENT  
 FOUNDATION,

Plaintiffs,

v.

ROB BONTA, in his official capacity  
 as Attorney General of the State of  
 California; and DOES 1-10,

Defendant.

CASE NO: 2:22-cv-04663-CAS (JCx)

**SUPPLEMENTAL DECLARATION OF  
 ANDY FINK IN SUPPORT OF  
 PLAINTIFFS' MOTION FOR  
 PRELIMINARY INJUNCTION  
 SUPPLEMENTAL BRIEFING  
 REQUESTED**

Hearing Date: October 17, 2022  
 Hearing Time: 10:00 a.m.  
 Courtroom: 8D  
 Judge: Christina A. Snyder



**SUPPLEMENTAL DECLARATION OF ANDY FINK**

1  
2 1. I, Andy Fink, am the Publisher and Editor-in Chief of Junior Sports  
3 Magazines, Inc. (“Junior Sports Magazines”), a plaintiff in the above-entitled  
4 action. I make this declaration of my own personal knowledge and, if called as a  
5 witness, I could and would testify competently to the truth of the matters set forth  
6 herein.

7 2. AB 2571, as adopted on June 30, 2022, and as currently enforced bars  
8 Junior Sports Magazines from publishing and distributing its quarterly online and  
9 print magazine *Junior Shooters*—a magazine dedicated to promoting youth in the  
10 shooting sports—to minors under 18 in California. While adults may enjoy the  
11 magazine, it is a magazine for youth that promotes the use and possession of  
12 firearm-related products and is not specifically intended for a broader audience of  
13 adults. *Junior Shooters* thus involves advertising, marketing, or arranging for the  
14 placement of communications promoting the use of firearm-related products  
15 directly to minors and in ways that might be considered attractive to minors.

16 3. Before the adoption of AB 2571, Junior Sports Magazines distributed  
17 its *Junior Shooters* magazine to tens of thousands of subscribers and youth shooters  
18 throughout the country, including California. To prevent substantial civil liability  
19 under AB 2571, Junior Sports Magazines was forced to end all distribution of  
20 *Junior Shooters* in California. The home page of our website informs visitors to the  
21 site that, due to AB 2571, we have suspended distribution of the magazine in  
22 California. We have placed warnings on our website and our magazine covers to  
23 deter youth in California from entering the site and consuming advertising,  
24 marketing, and other communications promoting the use and possession of firearm-  
25 related products. And we have posted warnings to California minors on our social  
26 media platforms. Though, due to the nature of the internet, it is impossible to  
27 prevent all access to our website and social media by youth in California unless we  
28 entirely shut down our online presence.



1           4. But for the adoption and enforcement of AB 2571, Junior Sports  
2 Magazines would continue to produce its *Junior Shooters* magazine and distribute  
3 it to young readers in California, celebrating youth in the shooting sports and  
4 advertising, marketing, or arranging for the placement of communications  
5 promoting the use of firearm-related products among minors as it has for years.  
6 And if the law is enjoined, Junior Sports Magazines will in fact resume these  
7 activities.

8           5. But for the adoption and enforcement of AB 2571, Junior Sports  
9 Magazines would remove content warnings from our website and social media  
10 pages to allow visitors under the 18 from California to view our content. And if the  
11 law is enjoined, *Junior Shooters* will in fact remove content warnings from our  
12 website and social media pages to allow visitors under the 18 from California to  
13 view our content.

14           6. Even if AB 160 goes into effect, and some limited exemptions are  
15 made to California's ban on firearm-related speech, the law still bars Junior Sports  
16 Magazines from distributing issues of *Junior Shooters* magazine in California that  
17 include articles and images in its *Junior Shooters* magazine that endorse or  
18 recommend firearm-related products that are designed for use by minors or come in  
19 colors or sizes that might be "appealing to minors." For instance, Junior Sports  
20 Magazines could not publish articles written by youth shooters endorsing specific  
21 firearms or ammunition appropriate for competitive shooting applications by youth  
22 and smaller shooters.

23           7. Even if AB 160 goes into effect, and some limited exemptions are  
24 made to California's ban on firearm-related speech, the amended law does not  
25 exempt the sorts of traditional advertising promoting firearm-related products found  
26 in the pages of Junior Sports Magazines' *Junior Shooters* magazine. To the  
27 contrary, the law expressly bans communications promoting or offering firearm-  
28 related products if some third party might think they are attractive to minors. As

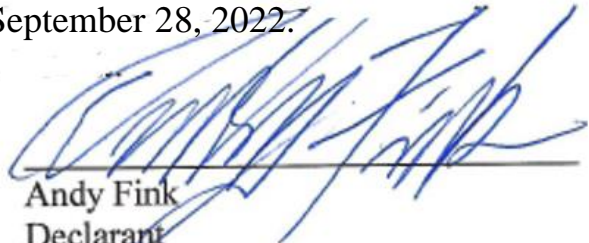


1 such, to prevent substantial liability under AB 2571 (and the AB 160 amendments),  
2 Junior Sports Magazines must either remove all advertisements for firearm-related  
3 products (even though such advertisements are truthful and lawful in the 49 other  
4 states where *Junior Shooters* maintains circulation) or continue to bar distribution  
5 and subscriptions of *Junior Shooters* magazine in California. Of course, traditional  
6 advertising of firearm-related products makes publication and distribution of *Junior*  
7 *Shooters* magazine economically possible, so ending such advertising is not a  
8 feasible option.

9 8. But for the adoption and enforcement of AB 2571 (and the AB 160  
10 amendments), Junior Sports Magazines would continue including traditional  
11 (truthful and otherwise lawful) advertisements promoting firearm-related products  
12 in *Junior Shooters* magazine. And if the law is enjoined, Junior Shooters Magazines  
13 will in fact continue publishing traditional (truthful and otherwise lawful)  
14 advertisements promoting firearm-related products in its *Junior Shooters* magazine  
15 and distributing the magazine to young readers in California.

16 9. What's more, the AB 160 amendments to AB 271 do very little to  
17 address the vagueness and overbreadth concerns that plaintiffs identified in their  
18 complaint and moving papers. In fact, by adding *even more* unclear language rather  
19 than taking it away, the amendments make the law in many ways *more vague and*  
20 *more overbroad*. Junior Sports Magazines thus remains unsure exactly what speech  
21 is prohibited or permitted in our publications should we elect to resume distribution  
22 in California in the future. This confusion chills our speech.

23 I declare under penalty of perjury that the foregoing is true and correct.  
24 Executed within the United States on September 28, 2022.

25  
26  
27  
28  
  
Andy Fink  
Declarant



**CERTIFICATE OF SERVICE**  
IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Junior Sports Magazines, Inc., et al. v. Bonta*  
Case No.: 2:22-cv-04663-CAS (JCx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

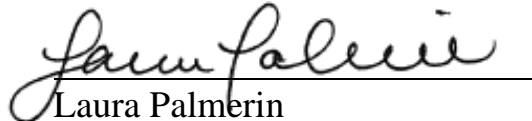
**SUPPLEMENTAL DECLARATION OF ANDY FINK IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Kevin J. Kelly, Deputy Attorney General  
[kevin.kelly@doj.ca.gov](mailto:kevin.kelly@doj.ca.gov)  
300 South Spring Street, Suite 9012  
Los Angeles, CA 90013  
*Attorney for Defendant*

I declare under penalty of perjury that the foregoing is true and correct.

Executed September 28, 2022.

  
Laura Palmerin