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8
9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11
12 THE UNITED STATES SPORTSMEN’S
ALLIANCE FOUNDATION, an Ohio
13 nonprofit corporation; SAFARI CLUB
INTERNATIONAL, an Arizona nonprofit
14 corporation; and CONGRESSIONAL
SPORTSMEN’S FOUNDATION, a
15 Washington, D.C. nonprofit corporation,

16 Plaintiffs,

17 v.

18 ROB BONTA, in his official capacity as
Attorney General of the State of California;
19 and DOES 1-25, inclusive,

20 Defendants.
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Case No. 2:22-cv-01395-DAD-JDP

**Declaration of Benjamin J. Cassidy in
Support of Plaintiffs’ Motion for
Preliminary Injunction**

*[Filed concurrently with Motion for
Preliminary Injunction; Appendix of
Evidence; and Proposed Order]*

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1 I, Benjamin J. Cassidy, state and declare as follows:

2 1. I am the Executive Vice President for International, Government and
3 Public Affairs of Safari Club International (“SCI”), a plaintiff in the above-titled
4 action. I submit this declaration in support of Plaintiffs’ Motion for Preliminary
5 Injunction. The matters set forth herein are of my own personal knowledge and, if
6 called upon to do so, I could and would competently testify thereto.

7 2. SCI is a nonprofit I.R.C. § 501(c)(4) corporation incorporated in
8 Arizona.

9 3. Founded in Los Angeles, California, and headquartered in
10 Washington, D.C., SCI has approximately 45,000 members and 200 chapters
11 throughout the U.S. and in more than 100 other countries. SCI has nine chapters in
12 the State of California and approximately 10% of SCI’s members live in California.

13 4. SCI’s mission is to protect the freedom to hunt and promote wildlife
14 conservation worldwide. SCI’s purposes include:

- 15 • To advocate, preserve and protect the rights of all hunters.
- 16 • To promote safe, legal and ethical hunting and related activities.
- 17 • To monitor, support, educate or otherwise take positions on local,
18 national and international legislative, executive, judicial or
19 organizational endeavors that foster and support these purposes and
20 objectives, within the limits imposed by law and regulation.
- 21 • To inform and educate the public concerning hunting and related
22 activities

23 5. SCI informs and educates the public concerning hunting and related
24 activities and supports education programs on wildlife conservation, ecology, and
25 natural-resource management. SCI prides itself for being a leader in educating
26 elected officials and policymakers on the essential role of hunting in science-based
27 management of wildlife and habitat.

28

1 6. Through its youth memberships, SCI provides programs and resources
2 designed to educate youth on the role of hunting in the management and
3 conservation of wildlife. SCI and its sister organization, Safari Club International
4 Foundation (“SCIF”), support youth education programs that reinforce these
5 principles.

6 7. SCI publishes three separate magazines and journals that are
7 distributed to its members across the United States, including California.

8 8. “SCI News” is a bi-weekly digest of SCI, delivering hunting news,
9 conservation stories, and highlights of SCI’s activities to SCI members.

10 9. “Safari Magazine,” SCI’s award-winning flagship publication, delivers
11 hunting stories from around the world to SCI members on a bi-monthly basis.
12 Safari Magazine contains additional articles and columns reflecting the overall
13 lifestyle of active outdoorsmen and women containing a broad mix of hunting,
14 fishing, gun and product reviews, wildlife art, international travel, and more.

15 10. “Safari Times” is a monthly newspaper that presents information and
16 stories concerning hunters’ rights, national and international advocacy efforts, and
17 news. Local SCI Chapter activities are featured, as well as education, conservation,
18 and wildlife management efforts.

19 11. SCI youth members, including those in California, are able to receive
20 all of these publications.

21 12. SCI’s member publications regularly feature marketing and
22 advertising, including by other “firearm industry members,” concerning various
23 firearm-related products, services, and activities, as well as articles, photographs,
24 and other media discussing and depicting youth engagement in conservation
25 activities, including hunting with firearms. SCI’s member publications also provide
26 an opportunity for members to publicize their own hunts through photographs and
27 stories.

28

1 13. For example, the May 2022 edition of “Safari Times” included an
2 article regarding SCI and its sister organization SCIF’s support of a hunter
3 education program in classrooms, which included imagery of a young hunter
4 practicing her shooting. The same edition includes several photographs
5 congratulating young hunters. On the same pages are advertisements for hunts,
6 which include imagery of trophy mementoes and firearms. The June 2022 edition of
7 “Safari Times” includes an article on an accomplished youth shooter and hunter
8 with a photograph of her successful hog hunt, accomplished with a firearm. On the
9 same page are images of SCI leaders touring an ammunition manufacturer. True
10 and correct copies of the relevant excerpts from the May 2022 edition of “Safari
11 Times” are attached hereto as **Exhibit 1**.

12 14. The June 2022 issue of “Safari Magazine” celebrated “Four
13 Generations of Female Hunters,” telling their story and promoting their hunting
14 accomplishments. The photographs associated with this article included images of
15 youth hunters and firearms. The same issue of “Safari Magazine” also included an
16 advertisement with imagery of a youth hunter holding a firearm. A true and correct
17 copy of the relevant excerpt from the June 2022 issue of “Safari Magazine” is
18 attached hereto as **Exhibit 2**.

19 15. SCI’s publications staff are taking care to avoid including these types
20 of articles, images and advertisements in future publications, to avoid potential
21 liability in California.

22 16. SCI and its chapters also regularly sponsor, promote and support
23 programs and events featuring firearms and firearm-related products that are
24 regularly attended by youth and their parents, guardians or other adult family
25 members. These include, but are not limited to, youth hunts such as the SCI Orange
26 County Chapter Cliff McDonald Jr. Memorial Quail Hunt, chapter banquets and
27 SCI’s annual Convention.
28

1 17. SCI’s programs, and SCI-sponsored events and programs, regularly
2 involve signage, discussions, branded merchandise, and other communications and
3 symbols depicting minors participating in shooting sports or otherwise encouraging
4 minors to lawfully possess and use firearms and firearm-related products for lawful
5 purposes.

6 18. For example, SCI, SCIF and SCI chapters regularly hold youth hunting
7 and hunter education events, an example of which is discussed below. In addition,
8 SCI offers awards to youth hunters (age 18 or younger), to celebrate their
9 accomplishments as hunters. The SCI Youth Hunter Award is annually given at
10 SCI’s Convention. The recipient is honored at an evening banquet. Their
11 accomplishments are displayed on a video, and the recipient is encouraged to give
12 an acceptance speech. Because of the law, SCI may not be able to consider
13 California applicants for the 2023 Youth Hunter Award.

14 19. Similarly, SCIF has a Youth Pathfinder program that awards hunts to
15 youth hunters with disabilities. SCIF may not be able to consider awarding hunts to
16 California youth hunters with disabilities because of the law.

17 20. At its annual Convention, SCI has also promoted youth hunting, hunter
18 safety and firearms education through a youth activities tent. In years past, SCI’s
19 Convention was held in Las Vegas and Reno, Nevada, both very near to California.
20 If the Convention returns to these cities in future years, SCI may hesitate to include
21 such activities.

22 21. In the normal course of my duties as SCI’s Executive Vice President
23 for International, Government and Public Affairs, I have reviewed and am generally
24 familiar with California Business and Professions Code section 22949.80 (“Section
25 22949.80”), added by California Assembly Bill 2571, and amended by Assembly
26 Bill 160.

27 22. The codification of Section 22949.80 has caused great concern and
28 confusion in our organization, and among SCI’s California chapters, sponsors and

1 partners, and SCI's youth and adult members. In view of Section 22949.80, SCI is
2 unsure what can and cannot be communicated to its current and prospective
3 members.

4 23. SCI desires to advertise, market, or arrange for placement of
5 advertising or marketing communications related to its programs and events, or the
6 programs and events that SCI supports or sponsors, which may depict minors
7 engaged in the shooting sports or using firearms and firearm-related products. SCI
8 further desires to promote such programs and events by offering or distributing
9 branded merchandise that may bear words, symbols, cartoons, or other caricatures
10 depicting, or in proximity to, firearms and other firearm-related products. SCI is
11 unsure whether such communications violate the prohibitions of Section 22949.80.

12 24. Although SCI believes that Section 22949.80 is unconstitutional, SCI
13 fears that engaging in any advertising or marketing communications where it is
14 unclear whether the communications violate Section 22949.80 will result in
15 enforcement actions against SCI, and/or expose SCI to liability in private civil
16 actions authorized by Section 22949.80, subjecting SCI to substantial monetary
17 penalties and other liabilities that could jeopardize SCI's business and other lawful
18 activities.


19 25. SCI has consequently frozen any advertising and marketing activities
20 that *might* conceivably violate Section 22949.80's prohibitions. SCI's inability to
21 engage in such advertising and marketing activities is likely to have a devastating
22 impact on SCI's mission to educate current youth members and to attract
23 prospective youth members.

24 26. In addition, the SCI Orange County Chapter was forced to cancel its
25 2022 SCI Orange County/Cliff McDonald Jr. Memorial Youth Quail Hunt—an
26 event that has been held annually since 2010—due to Section 22949.80 and
27 reasonable concerns that the hunt and the materials associated with it might expose
28 the chapter, SCI, and the many volunteers and participants in the event, to liability.

1 27. As a consequence of the uncertainty about the scope of Section
2 22949.80's restrictions and the potential exposure to liability, key donors and
3 sponsors of the Youth Quail Hunt withdrew their support of this year's event. The
4 Orange County Chapter was also unable to obtain insurance coverage for the Youth
5 Quail Hunt, which it is required to obtain and which it receives through SCI, due to
6 the potential liability issues arising from Section 22949.80.

7
8 I declare under penalty of perjury that the foregoing is true and correct.

9
10 Executed this 17th day of October 2022, in Chevy Chase, Maryland.

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12 
13 _____
14 Benjamin J. Cassidy

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EXHIBIT 1

SCI Member Attains Eagle Scout Rank



Derrick Fresco of Newton, New Hampshire was named Youth Hunter of the Year in 2017 and 2018. More recently he earned the rank of Eagle Scout.

Congratulations to SCI youth member Derrick Fresco for attaining the Boy Scouts of America's highly respected rank of Eagle Scout. SCI President Sven Lindquist recognized Fresco's accomplishment in a letter presented to him at his Eagle Scout

Court of Honor on April 23, 2022. Lindquist is an Eagle Scout himself and serves the Northern Star Council BSA on the President's Cabinet. "You are now part of a select few who have reached this milestone," he told Fresco. "Since earning my Eagle,

Continued on page 17 ⇨

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Chapter Spreads Word About SCI At Pheasant Fest



Chapter member Wayne Janssen tells a family about the many benefits of SCI membership while they attended Pheasant Fest Classic in Omaha.

Members of Platte River (Nebraska) Chapter volunteered at the recent SCI exhibit at the 2022 Pheasant Fest and Quail Classic in Omaha.

Pheasant Fest is the largest gathering of upland hunters in the U.S. The three-day event, March 11-13, attracted more than 21,000 participants and hundreds of hunting dogs. The Platte River Chapter's Sensory Safari trailer was a popular

attraction, especially with families.

Volunteers signed members for several Midwest chapters.

"But our bigger accomplishment was talking with hundreds of hunters about what SCI is and does," said Platte River Chapter Secretary Cheryl Stubbendieck. "Most were not aware that SCI is the No. 1 protector of their right to hunt through its legislative and advocacy work. They know now."

Family Affair



Stacey Girletz and her young daughter Lena hunted with husband Logan Girletz, president of the Calgary Chapter and Western Canada SCI Representative. Hunting in South Africa's Eastern Cape, Stacey took an old nyala with her daughter and husband tagging along during the stalk. Photo by Logan Girletz.

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Representing SCI



SCI President Sven K. Lindquist, left, and SCI CEO W. Laird Hamberlin, right, talk with Rep. Pete Stauber of Minnesota in January during the Hunter Advocacy Fund luncheon at the 2022 SCI Convention in Las Vegas.

SCIF, Outdoors Tomorrow Foundation Open Hunting World To Students



More than 50,000 youths in 750 U.S. schools take the course each year and most earn their Hunter Education certificate.



to conservation. Students get the traditional Hunter Education lessons and then interact with games and physically challenging activities directly related to the topics presented.

In just a few years, this program has expanded from 640 schools to over 750 throughout the nation. More than 50,000 youth annually take the course. Many of the students receiving their Hunter Education certification had no previous knowledge about hunting, the North American Model of Wildlife Conservation, legislation like the Pittman-Robertson Act, managing wildlife habitat or safe and ethical shooting.

Our partnership with OTF also allows us to positively promote the SCIF mission to the kids and their parents as the training materials include SCIF branding on all 20 hunter education lessons, PowerPoints, posters, worksheets and tests. Throughout the hunter education unit, SCIF is front-and-center for the students.

The SCIF mission is included in the unit overview and the OTF promotes SCIF mission through their weekly emails and monthly newsletters that go to all 750 teachers who then disburse the newsletters to their students.

You can help us in educating the next generation of America's youth. If you are a member or supporter of SCIF and want to promote this new partnership, please share your local school contact information with OTF by contacting LeAnn Schmitt, Special Projects and Operations Manager for Outdoors Tomorrow Foundation, phone (817) 410-5054 or email LeAnn@GoOTF.com.

Imagine if a student walked into a physical education class and instead of learning ball games and other typical PE activities, he or she is handed a bow and arrow and taught archery?

The SCI Foundation and Outdoors Tomorrow Foundation partnership helps get Hunter Education in local schools. When a school, private or public, agrees to the program, it becomes recognized as part of the physical education curriculum.

The Hunter Education unit is more than 20 hours long and at the end of the course, students can obtain their Hunter Education certification. Not every kid is a future pro athlete, but they all take PE, and this is way to include outdoor education and conservation while learning new skills.

The curriculum is accredited for K-12 physical education and is available to every school in the United States. Students learn about hunting, how to do it safely and ethically, and its importance

Forest Service Gives e-Bikes

The Green Light

New Guidance For Land Managers Dealing With Increased Popularity

The U.S. Department of Agriculture's Forest Service has finalized guidelines on how e-bike use should be managed on national forests and grasslands. The updated guidance clarifies existing policy and provides guidelines to local Forest Service employees who may be considering expanding e-bike access at site-specific locations.

The Forest Service currently allows e-bikes on all Forest Service roads that are already open to motorized vehicles, as well on 60,000 miles of motorized trails, which is about 38 percent of all trails the agency manages. The new guidance allows e-bikes to continue to operate on currently authorized roads and trails and lays out a process to evaluate future requests for expanded access. The updated guidance also outlines the required environmental analysis and public input required before making future decisions to expand local e-bike access.

"The additional guidance will help our

district rangers and forest supervisors better serve their communities with a policy that allows managers to make locally-based decisions to address e-bike use," said Forest Service Chief Randy Moore. "This growing recreational activity is another opportunity to responsibly share the experience of the outdoors with other recreationists."

The Forest Service manages nearly 160,000 miles of trails in 42 states and Puerto Rico for a variety of activities. E-biking is one of many legitimate recreational activities, such as horseback riding, snowmobiling, mountain biking, cross-country skiing, hiking and backpacking, that the agency manages under its multiple-use mission.

Other land management agencies, including the U.S. Department of the Interior's Bureau of Land Management and National Park Service, allow for e-bike use on 18,000 miles and 16,000 miles of trails, respectively.

Chief Executive Officer's Message

↳ Continued from page 4

Convention.

Once you've registered for Convention and booked a hotel room, it is time to go hunting. Wild turkey hunting is still open in some states around the U.S., so this is a great opportunity to get out into the woods before the seasons close and the weather turns hot.

And, of course, this is safari season in the southern hemisphere. Whether it is your first or your 50th safari, we all know there is always something calling us back for another — especially for those of us who have postponed safaris over the past couple of years, due to the COVID pandemic.

At least this year, many of the restrictions from the pandemic either have

been lifted or loosened enough to make international hunting a viable proposition.

So, whether it is wild turkeys in North America or African or South American game, hunt well and be safe. And don't forget to put the final touches on plans for upcoming hunts this fall. There is still nine months of good hunting around the world between now and the SCI Convention.

Meanwhile, accompanying this message is a map that shows where the SCI Convention will be in Nashville and what hotels are within easy walking distance. Also, to learn the latest information about the convention, go to showsci.org.

Traveling Hunters: Beware Of Fake Uber Drivers

↳ Continued from page 3

shopping.

"Nobody leaves clients unescorted while in Tanzania," said Mantheakis. "The outfitter is responsible for their client, and if they use an Uber or taxi service for transfers, it is the outfitter's responsibility to select a trusted service and have their representative escort the client."

Likewise, Kristin Maritz with NAPHA says hunting operators in Namibia who do not pick up clients themselves will arrange for transfers to the hunting properties. "Clients should make sure they understand how their transport will be handled well before arriving in Windhoek," said Maritz.

In Mozambique, Jumbo Moore of Kambako Safaris said he has never seen anyone offering Uber services at either Maputo or Pemba airports.

"Yes, there are several people offering so-called taxi rides, but clients booking with

a reputable safari company should have a meet-and-greet service and a transfer shuttle to a hotel arranged for them," Moore said.

Stanley Mudawarima of the Safari Operators Association of Zimbabwe said traditional taxis working the airports are strictly accredited by the Civil Aviation Authority of Zimbabwe and should be able to show their accreditation permit. Most often, however, safari companies pick up their clients at the airport.

The same goes for Botswana, where Mochaba Developments' Debbie Peake said it is very rare for safari clients to require a taxi. When they do, she says they should get IDs and taxi registrations from drivers.

"Botswana's advice is to ensure that clients ask their outfitters/PH's to meet them at the airport, and if it's a representative doing the meet-and-greet, they should have a placard identifying themselves," said Peake.

EXHIBIT 2

Young Hunter Experiences Old Florida On Hog Hunt

Editor's Note: Cade McCullough, an accomplished youth trap and skeet shooter, won a hog hunt at Razzor Ranch in Zolfo Springs, Florida, through the Naples Chapter. Here is her story.

On May 29, my fun and rewarding hog hunting adventure began. My brother, Zackary, accompanied me as my chaperone for the day.

Upon arrival at Razzor Ranch, we started off with a meeting, introducing ourselves (the youth winners) and

and out popped a large boar. But he did not give me a very good angle at which to fire and then he ran back into the brush.

Half an hour passed until we heard something running nearby. I spotted piglets with their mother and behind them another boar, which was larger than the one that visited us previously. I waited until they settled in and started foraging. Using my Ruger American 7.62x39mm rifle, I acquired the



Cade McCullough took a 120-pound boar at Razzor Ranch in Central Florida

meeting our guides, Mr. Paul and Mr. Taylor. After the introduction, we went over the rules and some other information. Then it was off to the range, where we ensured our rifles were on target. Our guides informed us where to shoot a hog and that it may take two shots as hogs tend to move around when searching for their food. Shortly after, each hunter and chaperone was taken to their hunting spot, which was specifically chosen for them.

While being dropped off at our hunting blind, we were informed where the hogs tend to travel from. I patiently waited, listening to all of the surrounding sounds coming from the woods. We were surrounded by the tranquil beauty of old Florida, a true blessing to be able to see.

We noticed three piglets come scurrying out of the palmettos. I waited, though, as they were small and had quite a bit of growing still to do. Shortly afterward, I heard some rustling of the palm fronds

boar in my scope, silently removed the safety, aimed just behind his shoulder and squeezed the trigger. I immediately noticed he was down, struck with a single shot of my trusty rifle. I then flipped my safety on and rang for the hunting guide.

When the guides arrived, they congratulated me and, of course, took pictures. Then we loaded the boar into the UTV and headed back to the facility. The boar weighed 120 pounds. Afterward, the guides processed him for me and put the meat in the cooler.

Overall, my experience at Razzor Ranch was phenomenal. From the guides to the real "old Florida" feel, to the harvest of my first hog, I highly recommend Razzor Ranch. I consider it an unbelievable experience because they also have more than just hog hunts to offer.

So, thank you again to everyone who was a part of SCI, especially Mr. Jim Meerpohl. I am so grateful to have had the opportunity that I had at Razzor Ranch.



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SCI Visits Federal Premium Ammunition Factory During May Board Meeting In MN



Members of the SCI Board of Directors, staff and volunteers visited the Federal Premium Ammunition factory in Anoka, Minn., as part of the May Board of Directors meeting activities. The group was able to see how various kinds of ammunition are made during the visit.