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

17 SOUTH BAY ROD & GUN CLUB,  
INC.; GARY BRENNAN, an  
18 individual; CORY HENRY, an  
individual; PATRICK LOVETTE, an  
19 individual; VIRGINIA DUNCAN, an  
individual; RANDY RICKS, an  
20 individual; CITIZENS COMMITTEE  
FOR THE RIGHT TO KEEP AND  
21 BEAR ARMS; GUN OWNERS OF  
CALIFORNIA; SECOND  
22 AMENDMENT LAW CENTER; and  
CALIFORNIA RIFLE & PISTOL  
ASSOCIATION, INCORPORATED,

23 Plaintiffs,

24 v.

25 ROBERT BONTA, in his official  
26 capacity as Attorney General of the  
State of California; and DOES 1-10,  
27

28 Defendants.

**CASE NO: 3:22-cv-01461-RBM-WVG**

**DECLARATION OF VIRGINIA  
DUNCAN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

DATE: November 21, 2022  
COURTROOM: 5B

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**DECLARATION OF VIRGINIA DUNCAN**

1. I, Virginia Duncan, am a plaintiff in the above-entitled action. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.


2. I am a law-abiding adult who is not prohibited from owning firearms under the laws of the United States of America or the state of California. I have never been found by any law enforcement agency, any court, or any other government agency to be irresponsible, unsafe, or negligent with firearms in any manner.

3. I am currently the lead Plaintiff in an individual capacity in the matter of *Duncan v. Bonta*, a case which challenges California’s magazine capacity restrictions. My attorneys have explained to me that under the newly enacted California Code of Civil Procedure section 1021.11, if we are not successful in all our claims in *Duncan v. Bonta*, it is possible that I could be found to be liable (together with my attorneys and the other Plaintiffs) for the State’s attorney’s fees and costs because Section 1021.11 is not limited to cases filed after its effective date.

4. I am now deeply concerned I will be found liable for the State’s legal expenses in *Duncan v. Bonta* and don’t know whether I should remain in that litigation as a Plaintiff. I certainly will not be participating in any future lawsuits while section 1021.11 is in effect if this lawsuit fails to stop it. The State has taken away my right to petition the courts, at least when it comes to my firearm rights.

I declare under penalty of perjury of the laws of the State of California and the United States that the foregoing is true and correct.

Executed on October 14, 2022

  
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Virginia Duncan, declarant