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11 Attorney for Plaintiff Second Amendment Foundation

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 B&L PRODUCTIONS, INC., d/b/a
15 CROSSROADS OF THE WEST;
16 GERALD CLARK; ERIC JOHNSON;
17 CHAD LITRELL; JAN STEVEN
18 MERSON; CALIFORNIA RIFLE &
19 PISTOAL ASSOCIATION,
INCORPORATED; ASIAN PACIFIC
AMERICAN GUN OWNERS
ASSOCIATION; SECOND
AMENDMENT LAW CENTER, INC.;

20 Plaintiffs,

21 v.

22 GAVIN NEWSOM, in his official
23 capacity as Governor of the State of
24 California; ROB BONTA, in his official
25 capacity as Attorney General of the
26 State of California; KAREN ROSS, in
27 her official capacity as Secretary of
California Department of Food &
Agriculture and in his personal capacity;
TODD SPITZER, in his official capacity
as District Attorney of Orange County;
32nd DISTRICT AGRICULTURAL
ASSOCIATION; DOES 1-10;

28 Defendants.

CASE NO.: 8:22-cv-01518 JWH (JDEx)

**DECLARATION OF JAN STEVEN
MERSON IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date: January 6, 2023
Hearing Time: 9:00 a.m.
Courtroom: 9D
Judge: John W. Holcomb

Action Filed: August 12, 2022

DECLARATION OF JAN STEVEN MERSON

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

5 2. I am a current resident of Fullerton, California.

6 3. I own Merson’s Machining Tool Making & Gunsmithing, and I hold a
7 valid Federal Firearms License (FFL).

8 4. Before the adoption and implementation of Senate Bill 264, I regularly
9 attended the Crossroads of the West Gun Show, a recurring, safe, and family-
10 friendly gun-show event produced by B&L Productions, Inc., d/b/a Crossroads of
11 the West (“Plaintiff Crossroads”) and held at the Orange County Fair & Event
12 Center (“the Fairgrounds”).

13 5. In fact, my company, then known as Merson’s Custom Tooling &
14 Gunsmith, was a regular vendor at Plaintiff Crossroads’ gun shows at the
15 Fairgrounds. At these events, I would lawfully sell firearm precursor parts, which
16 are legal products in California and are not considered firearms by legal definition.

17 6. I have never been arrested or charged with any crime related to my
18 business dealings at gun shows or elsewhere. And I have never had my FFL revoked
19 or suspended.

20 7. I enjoy attending gun shows at the Fairgrounds because these events
21 offer me a unique opportunity to engage with like-minded people to explore and
22 discuss the lawful uses of firearms, including self-defense, hunting, target shooting,
23 safety training, gunsmithing, and general appreciation of firearms. I also enjoy
24 discussing other issues like politics, the Second Amendment, being a gun owner in
25 California, and gun safety with potential customers and other attendees of the show.

26 8. At gun show events, like the Crossroads’ gun shows at the Fairgrounds,
27 I have engaged with non-profit organizations that have shared information about the
28 products I sell. I enjoy being able to participate in this broad platform event where

1 all of my interests in the areas of firearms and the legalities of being a gun owner
2 converge.

3 9. As a vendor, I offer for sale legal firearm-related products. I also enjoy
4 the unique opportunity that gun shows afford me to interact with my customers in a
5 meaningful way. Many of my customers come to gun shows to learn about new
6 technology, speak to vendors, handle merchandise to see what works best for them,
7 and to participate in discussions about gun ownership.

8 10. I am a member of the “gun culture,” which is a discrete and identifiable
9 group of individuals and organizations, who share a desire to exercise fundamental
10 rights protected by the Second Amendment, and who seek to participate in public
11 discourse and share in the benefit of a public resource, like the Fairgrounds.
12 Participating in that culture with other gun owners and retailers is an important
13 reason that I attend and support gun shows.

14 11. That said, if I am unable to sell my products (i.e., firearm precursor
15 parts) at the Fairgrounds pursuant to SB 264 and SB 915, there is no financial
16 incentive for my business to participate as a vendor at Crossroads’ gun show.
17 Indeed, I rely on product sales at the gun shows to offset the costs of vendor fees,
18 employee compensation, and necessary overhead.

19 12. SB 264 and SB 915 diminish my ability to carry on lawful commerce
20 and my ability to engage with others in the dissemination of information that is
21 related to both my business and the exercise of my constitutional rights under the
22 First and Second Amendments at the Fairgrounds.

23 13. What’s more, because the effect of SB 264 and SB 915 has been to ban
24 gun shows altogether, it also restricts my right to engage with other like-minded
25 people through political and commercial speech.

26 14. But for the adoption and enforcement of SB 264 and SB 915 which
27 prohibits the sale of firearms, ammunition, and firearm precursor parts at the
28 Fairgrounds, I would resume my participation as a vendor and attendee at gun show

1 events at the Fairgrounds.

2 15. If this Court were to enjoin the enforcement of SB 264 and SB 915,
3 allowing Plaintiff Crossroads' gun show events to return to the Fairgrounds, I would
4 resume my participation as a vendor and attendee at gun shows at the Fairgrounds.

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

6 Executed within the United States on November 16, 2022.

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Jan Steven Merson

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Jan Steven Merson

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Declarant

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

Case Name: *B & L Productions, Inc., et al. v. Newsom, et al.*
Case No.: 8:22-cv-01518 JWH (JDEx)

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:

**DECLARATION OF JAN STEVEN MERSON 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.

Nicole J. Kau, Deputy Attorney General
nicole.kau@doj.ca.gov
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230
Attorney for Defendants

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

Executed November 16, 2022.



Laura Palmerin