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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT

12 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 WILLIAM WIESE, et al.,
14
15 Plaintiffs,
16
17 vs.

18 ROB BONTA, in his official capacity as
19 Attorney General of California, et al.,
20
21 Defendants.

Case No. 2:17-cv-00903-WBS-KJN

**DECLARATION OF CLIFFORD W. FLORES IN
SUPPORT OF PLAINTIFFS' MOTION AND
MOTION FOR SUMMARY JUDGMENT**

[FRCP 56]

Date: None Set
Judge: Hon. William B. Shubb

22 DECLARATION OF CLIFFORD W. FLORES

23 I, Clifford W. Flores, declare as follows:

24 1. I am an adult resident of the County of Santa Clara, California, and I am a named
25 plaintiff in this matter. I have personal knowledge of the facts stated in this declaration, and if
26 called as a witness, could competently testify thereto.
27

28 2. This declaration is executed in support of plaintiffs' motion for summary

1 judgment.

2 3. I am a lifelong resident of this state. I am a law-abiding individual, and I am not
3 prohibited from owning firearms.

4 4. I am also a long-standing collector of firearms, some of which are rare and
5 unique, and/or of significant historical value. In conjunction with this collection, I have acquired,
6 since before 2000, a large-capacity magazine as that term is defined by the statute. This large-
7 capacity magazine was originally manufactured for, and made a part of a Pistole Parabellum
8 1908 Luger pistol, chambered in 9mm Luger, which I own. I am informed and believe that this is
9 a World War I-era pistol, manufactured in 1917 or before, and imported into the United States
10 thereafter for legal sale and acquisition by collectors.

11 5. I am further informed and believe that the large-capacity magazine, which is an
12 operating part of this pistol, has substantial historical and financial value, and is irreplaceable –
13 especially in California, where I understand that the transfer of large-capacity magazines by
14 ordinary citizens has been generally prohibited since 2000.

15 6. I am the trustee of a testamentary trust called the Flores Family Trust, established
16 in approx. 2008, in which I have placed all of my personal property, with the intention of passing
17 such property onto my son, Miguel Wong, who is a law-abiding adult, and who is not prohibited
18 from owning or acquiring firearms. I would like to bequeath the firearm, complete with the
19 magazine to which it is a part, to my son, by and through the family trust, after I pass.

20 7. I do not wish to “part out” such a rare and unique pistol with substitute parts that
21 were not included or acquired along with the pistol, or that may diminish its utility and/or value.
22 I therefore believe this is a substantial burden on my rights as a gun and property owner.

23 8. I have therefore brought this action on my own behalf, and in a representative
24 capacity on behalf of the class of law-abiding California citizens who have lawfully possessed
25 large-capacity magazines (as that term is defined by statute), since before 2000. The “pre-ban”
26 magazine which I own is an inherent operating part of a firearm. That firearm containing the
27 “pre-ban” large capacity magazine is lawfully owned by me, as is my right, as guaranteed by the
28

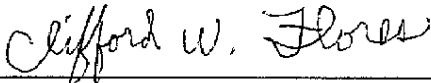
1 U.S. Constitution.

2 9. I do not wish to remove or sell this pre-ban large-capacity magazine in my
3 possession, as it is literally irreplaceable, given the prohibition on the further purchase,
4 acquisition or manufacture of such items under California law. I am unwilling to destroy or
5 surrender this pre-ban large capacity magazine in my possession.

6 10. Therefore, I believe that this large-capacity magazine in my possession has
7 substantial value, as an irreplaceable item. Moreover, it would likely cost me substantial amounts
8 to replace the magazine with functional equivalents using magazines holding ten or fewer
9 rounds, which was not originally included with this pistol. In my view, this deprives me of the
10 beneficial use of the firearm as it was intended to be used, and undermines its utility.

11 11. Because of these facts and circumstances, as of July 1, unless the enforcement of
12 Pen. Code § 32310(c) is enjoined, I will suffer a permanent physical deprivation of personal
13 property, which happens to be an inherent, operating part of a firearm, the ownership of which is
14 protected by the Constitution.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed on
16 February 28 2023.

17
18 
19 _____
20 Clifford W. Flores

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