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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

STEVEN RUPP, et al.,

Plaintiffs,

vs.

ROB BONTA, in his official capacity as  
Attorney General of the State of  
California,

Defendant.

Case No.: 8:17-cv-00746-JLS-JDE

**DECLARATION OF SEAN A.  
BRADY IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

Hearing Date: July 28, 2023  
Hearing Time: 10:30 a.m.  
Courtroom: 8A  
Judge: Josephine L. Staton

[Filed concurrently with Notice of  
Motion for Summary Judgment;  
Memorandum of Points and Authorities;  
Statement of Uncontroverted Facts and  
Conclusions of Law; Request for  
Judicial Notice; Declarations of Steven  
Rupp, Steven Dember, Cheryl Johnson,  
Christopher Seifert, Alfonso Valencia,  
Troy Willis, Dennis Martin, and Richard  
Minnich; Proposed Judgment]

## DECLARATION OF SEAN A. BRADY

I, Sean A. Brady, am an attorney at the law firm Michel & Associates, P.C., attorneys of record for Plaintiffs in this action. I am licensed to practice law before the United States Court for the Central District of California. I am also admitted to practice before the Eastern, Northern, and Southern Districts of California, the courts of the state of California, and the Ninth Circuit Court of Appeals. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, I could and would testify competently to the truth of the matters set forth herein.

1. On October 25, 2018, Plaintiffs served Defendant with Plaintiffs' Initial Disclosure of Expert Witnesses in this matter. Three exhibits were attached to Plaintiffs' disclosure: (1) the Expert Report of Mr. J. Buford Boone III; (2) the Expert Report of Professor William English; and (3) the Expert Report of Mr. Stephen Helsley. A true and correct copy of Mr. Boone's expert report, as appended to Plaintiffs' Disclosure of Expert Witnesses, is attached hereto as **Exhibit 1**. A true and correct copy of Mr. English's expert report, as appended to Plaintiffs' Disclosure of Expert Witnesses, is attached hereto as **Exhibit 2**. A true and correct copy of Mr. Helsley's expert report, as appended to Plaintiffs' Disclosure of Expert Witnesses, is attached hereto as **Exhibit 3**.

2. On October 25, 2018, Defendant served Plaintiffs with the Expert Report of Detective Michael Mersereau and the Expert Report of Mr. Blake Graham. A true and correct copy of Detective Mersereau's expert report, is attached hereto as **Exhibit 4**. A true and correct copy of Mr. Graham's expert report, is attached hereto as **Exhibit 5**.

3. On December 4, 2018, I deposed Defendant's expert witness, Michael Mersereau. Attached hereto as **Exhibit 6** is a true and correct copy of experts from the deposition transcript of Michael Mersereau.

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1           4.     On December 19, 2018, I deposed Defendant's expert witness, Blake  
2 Graham. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the  
3 deposition transcript of Blake Graham.

4           5.     On September 14, 2018, Defendant served Plaintiffs a Response to  
5 Plaintiff Christopher Seifert's Request for Admissions, Set One. Attached hereto as  
6 **Exhibit 8** is a true and correct copy of excerpts from the Response.

7           6.     On September 14, 2018, Defendant served Plaintiffs a Response to  
8 Plaintiff Christopher Seifert's Interrogatories, Set One. Attached hereto as **Exhibit 9**  
9 is a true and correct copy of excerpts from the Response.

10          7.     On November 15, 2018, Defendant served Plaintiffs a Second  
11 Supplemental Response to Plaintiff Troy Willis's Interrogatories, Set One. Attached  
12 hereto as **Exhibit 10** is a true and correct copy of excerpts from the Response.

13          8.     A true and correct copy of Jerry Lee *2018 Standard Catalog of*  
14 *Firearms, The Collector's Price & Reference Guide* is attached as **Exhibit 11**.

15          9.     A true and correct copy of Patrick Sweeney, *The Gun Digest Book of*  
16 *The AR-15*, (2005) is attached as **Exhibit 12**.

17          10.    A true and correct copy of an AR ad on Guns & Ammo, April 2001  
18 Issue is attached as **Exhibit 13**.

19          11.    A true and correct copy of *New Industry Statistics Underscore*  
20 *Popularity of "America's Rifle" – 16,069,000!?*, NRAHQ via Ammoland Inc.,  
21 (2018), [https://www.ammoland.com/2018/09/new-industry-statistics-underscore-](https://www.ammoland.com/2018/09/new-industry-statistics-underscore-popularity-of-americas-rifle/?utm_source=Ammoland+Subscribers&utm_campaign=6bc8efca25-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_6f6fac3eaa-6bc8efca25-20582661#axzz5SGKnCoj8)  
22 [popularity-of-americas-rifle/?utm\\_source=Ammoland+Subscribers&utm\\_campaign](https://www.ammoland.com/2018/09/new-industry-statistics-underscore-popularity-of-americas-rifle/?utm_source=Ammoland+Subscribers&utm_campaign=6bc8efca25-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_6f6fac3eaa-6bc8efca25-20582661#axzz5SGKnCoj8)  
23 [=6bc8efca25-RSS\\_EMAIL\\_CAMPAIGN&utm\\_medium=email&utm\\_term=0\\_](https://www.ammoland.com/2018/09/new-industry-statistics-underscore-popularity-of-americas-rifle/?utm_source=Ammoland+Subscribers&utm_campaign=6bc8efca25-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_6f6fac3eaa-6bc8efca25-20582661#axzz5SGKnCoj8)  
24 [6f6fac3eaa-6bc8efca25-20582661#axzz5SGKnCoj8](https://www.ammoland.com/2018/09/new-industry-statistics-underscore-popularity-of-americas-rifle/?utm_source=Ammoland+Subscribers&utm_campaign=6bc8efca25-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_6f6fac3eaa-6bc8efca25-20582661#axzz5SGKnCoj8) (last visited Mar. 25, 2019) is  
25 attached as **Exhibit 14**.

26          12.    A true and correct copy of Chris Eger, *NSSF: AR-15/AK Numbers Top*  
27 *16 Million*, Guns.com, (2018), [https://www.guns.com/news/2018/09/17/nssf-ar-15-](https://www.guns.com/news/2018/09/17/nssf-ar-15-ak-numbers-top-16-million)  
28 [ak-numbers-top-16-million](https://www.guns.com/news/2018/09/17/nssf-ar-15-ak-numbers-top-16-million) (last visited Mar. 25, 2019) is attached as **Exhibit 15**.

1           13. A true and correct copy of, *M1 Carbine*, Civilian Marksmanship  
2 Program, [http://thecmp.org/cmp\\_sales/rifle\\_sales/m1-carbine/](http://thecmp.org/cmp_sales/rifle_sales/m1-carbine/) (last visited March 25,  
3 2019) is attached as **Exhibit 16**.

4           14. A true and correct copy of Alex Yablon, *How Many Assault Weapons*  
5 *Do Americans Own?*, The Trace, (2018), [https://www.thetrace.org/2018/09/how-](https://www.thetrace.org/2018/09/how-many-assault-weapons-in-the-us/)  
6 [many-assault-weapons-in-the-us/](https://www.thetrace.org/2018/09/how-many-assault-weapons-in-the-us/) (last visited Mar. 25, 2019) is attached as **Exhibit**  
7 **17**.

8           15. A true and correct copy of David Heath, Elise Hansen, AJ Willingham,  
9 *How An 'Ugly,' Unwanted Weapon Became The Most Popular Rifle In America*,  
10 CNN, (2017), [https://www.cnn.com/2017/12/14/health/ar15-rifle-history-](https://www.cnn.com/2017/12/14/health/ar15-rifle-history-trnd/index.html)  
11 [trnd/index.html](https://www.cnn.com/2017/12/14/health/ar15-rifle-history-trnd/index.html) (last visited Mar. 25, 2019) is attached as **Exhibit 18**.

12           16. A true and correct copy of *Why the AR-15 Is America's Rifle*, NRP,  
13 (2018), <https://www.npr.org/2018/02/15/586172062/why-the-ar-15-is-americas-rifle>  
14 (last visited Mar. 25, 2019) is attached as **Exhibit 19**.

15           17. A true and correct copy of Jon Schuppe, *America's Rifle: Why So Many*  
16 *People Love the AR-15*, NBC News, (2017), [https://www.nbcnews.com/news/us-](https://www.nbcnews.com/news/us-news/america-s-rifle-why-so-many-people-love-ar-15-n831171)  
17 [news/america-s-rifle-why-so-many-people-love-ar-15-n831171](https://www.nbcnews.com/news/us-news/america-s-rifle-why-so-many-people-love-ar-15-n831171) (last visited Mar. 25,  
18 2019) is attached as **Exhibit 20**.

19           18. A true and correct copy of *Firearms Retailer Survey Report: Trend*  
20 *Data 2008-2016*, National Shooting Sports Foundation, Inc. ("NSSF") Report  
21 (2017) is attached as **Exhibit 21**.

22           19. A true and correct copy of *Sport Shooting Participation in the United*  
23 *States in 2016*, NSSF (2017) is attached as **Exhibit 22**.

24           20. A true and correct copy of *Modern Sporting Rifle (MSR)*  
25 *Comprehensive Consumer Report 2013*, NSSF (2017) is attached as **Exhibit 23**.

26           21. A true and correct copy of *2015-2016 Industry Reference Guide: A*  
27 *Compilation of Firearm and Ammunition Industry Data*, NSSF (2017) is attached as  
28 **Exhibit 24**.

22. A true and correct copy of Christopher S. Koper, *Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003*, National Institute of Justice, United States Department of Justice, (2004) <https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf> (last visited Mar. 25, 2019) is attached as **Exhibit 25**.

23. A true and correct copy of Duncan Long, *The AR-15/M16 A Practical Guide*, (1985) is attached as **Exhibit 26**.

24. A true and correct copy of the Bureau of Alcohol, Tobacco, and Firearms Weapon Selection Presentation is attached as **Exhibit 27**.

25. A true and correct copy of *The AR For Home Defense: One Expert's Opinion*, NRA American Rifleman, (2015), <https://www.americanrifleman.org/articles/2015/5/26/the-ar-for-home-defense-one-experts-opinion> (last visited Mar. 25, 2019) is attached as **Exhibit 28**.

26. A true and correct copy of Jim Wilson, *AR-15 Rifles for Home Defense? Yes!*, NRA Family, (2017), <https://www.nrafamily.org/articles/2017/6/27/ar-15-rifles-for-home-defense-yes/> (last visited Mar. 25, 2019) is attached as **Exhibit 29**.

27. A true and correct copy o, Bartt Brenton, *5 Reasons to Hunt With An AR15*, Brenton AR Hunting Rifles, <https://www.brentonusa.com/5-reasons-to-hunt-with-an-ar-15/> (last visited March 25, 2019) is attached as **Exhibit 30**.

28. A true and correct copy of Jacki Billings, *Why Hunters Are Trading In Traditional Hunting Rifles For the AR-15*, Guns.com, (2017), <https://www.guns.com/news/2017/11/17/why-hunters-are-trading-in-traditional-hunting-rifles-for-the-ar-15> (last visited March 25, 2019) is attached as **Exhibit 31**.

29. A true and correct copy of Richard Mann, (2016), *ARs for Deer Hunting: The Modern Answer to an Age Old Tradition*, NRA Blog, <https://www.nrablog.com/articles/2016/11/ars-for-deer-hunting-the-modern-answer-to-an-age-old-tradition/> (last visited March 25, 2019) is attached as **Exhibit 32**.

30. A true and correct copy of Adam C., *Turning The AR-15 Into a Great Hunting Rifle*, OffTheGridNews, <https://www.offthegridnews.com/survival-hunting/turning-the-ar-15-into-a-great-hunting-rifle/> (last visited March 25, 2019) is attached as **Exhibit 33**.

31. A true and correct copy of Allyson L. Holbrook, Melanie C. Green, Jon A Krosnick, *Telephone Versus Face-to-Face Interviewing of National Probability Samples with Long Questionnaires, Comparisons of Respondent Satisficing and Social Desirability Response Bias*, Public Opinion Quarterly (2003) is attached as **Exhibit 34**.

32. A true and correct copy of Jens Ludwig, PhD, Philip J. Cook, Tom W. Smith, *The Gender Gap in Reporting Household Gun Ownership*, American Journal of Public Health (1998) is attached as **Exhibit 35**.

33. A true and correct copy of Ivar Krumpal, *Determinants of Social Desirability Bias in Sensitive Surveys: A Literature Review*, Springer Science+Business Media (2011) is attached as **Exhibit 36**.

34. A true and correct copy of Ann P. Rafferty, PhD, John C. Thrush, Patricia K. Smith, Harry B. McGee, *Validity of a Household Gun Question in a Telephone Survey*, Public Health Reports (1995) is attached as **Exhibit 37**.

35. A true and correct copy of Adam Winkler, *Why Banning Assault Rifles Won't Reduce Gun Violence*, The Los Angeles Times, (2015), (<https://www.latimes.com/opinion/op-ed/la-oe-winkler-folly-of-assault-weapon-ban-20151211-story.html>) (last visited March 25, 2019) is attached as **Exhibit 38**.

36. A true and correct copy of *2017 Crime in the United States: Expanded Homicide Data Table 8*, Federal Bureau of Investigation, <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/tables/expanded-homicide-data-table-8.xls> (last visited March 25, 2019) is attached as **Exhibit 39**.

37. A true and correct copy of David B. Kopel, *Rational Basis Analysis of "Assault Weapon" Prohibition*, 20 J. Of Contemp. L. 381-417 (1994),



1 <http://www.constitution.org/2ll/2ndschol/62rati.pdf> (last visited March 25, 2019) is  
2 attached as **Exhibit 40**.

3 38. Cramer, Clayton E., *Assault Weapon Bans: Can They Survive Rational*  
4 *Basis Scrutiny?* (April 13, 2016). University of Akron ConLawNOW, Forthcoming.  
5 <https://ssrn.com/abstract=2764549> or <https://ssrn.com/abstract=2764549> (last visited  
6 March 25, 2019) is attached as **Exhibit 41**.

7 39. A true and correct copy of Listing # 4842 on the Civilian  
8 Marksmanship Program website, *Inland M1A1 Carbine 6630815*,  
9 [http://cmpauction.thecmp.org/detail.asp?id=4842&n=Inland-M1A1-Carbine-](http://cmpauction.thecmp.org/detail.asp?id=4842&n=Inland-M1A1-Carbine-6630815)  
10 [6630815](http://cmpauction.thecmp.org/detail.asp?id=4842&n=Inland-M1A1-Carbine-6630815) (last visited March 25, 2019) is attached as **Exhibit 42**.

11 40. A true and correct copy of *About the CMP*, <http://thecmp.org/about/>  
12 (last visited March 25, 2019) is attached as **Exhibit 43**.

13 41. A true and correct copy of *Pistol Grips*, Brownells,  
14 <https://www.brownells.com/rifle-parts/grip-parts/pistol-grips/index.htm> (last visited  
15 March 25, 2019) is attached as **Exhibit 44**.

16 42. A true and correct copy of *Adjustable Rifle Stocks*, Brownells,  
17 [https://www.brownells.com/rifle-parts/stock-parts/rifle-](https://www.brownells.com/rifle-parts/stock-parts/rifle-stocks/index.htm?avs%7cStyle_1=Adjustable)  
18 [stocks/index.htm?avs%7cStyle\\_1=Adjustable](https://www.brownells.com/rifle-parts/stock-parts/rifle-stocks/index.htm?avs%7cStyle_1=Adjustable) (last visited March 25, 2019) is  
19 attached as **Exhibit 45**.

20 43. A true and correct copy of *Flash Hiders*, Brownells,  
21 <https://www.brownells.com/rifle-parts/muzzle-devices/flash-hiders/index.htm> (last  
22 visited May 26, 2023) is attached as **Exhibit 46**.

23 44. A true and correct copy of Oral Argument Transcript, *District of*  
24 *Columbia*, 554 U.S. 570 (No. 07-290) is attached as **Exhibit 47**.

25 45. A true and correct copy of Jane Gross, *California Becomes the First*  
26 *State to Vote Curbs on Assault Rifles*, N.Y. Times (May 26, 2023),  
27 [https://www.nytimes.com/1989/03/14/us/california-becomes-the-first-state-to-vote-](https://www.nytimes.com/1989/03/14/us/california-becomes-the-first-state-to-vote-curbs-on-assault-rifles.html?mtrref=www.google)  
28 [curbs-on-assault-rifles.html?mtrref=www.google](https://www.nytimes.com/1989/03/14/us/california-becomes-the-first-state-to-vote-curbs-on-assault-rifles.html?mtrref=www.google).

1 [com&gwh=09CE7AA50D749C3FEFE643FDB436516A&gwt=pay](https://bit.ly/3yPfoHw) is attached as  
2 **Exhibit 48.**

3 46. A true and correct copy of William English, Ph.D., *2021 National*  
4 *Firearms Survey: Updated Analysis Including Types of Firearms Owned* (May 13,  
5 2022), <https://bit.ly/3yPfoHw> (last visited May 26, 2023) is attached as **Exhibit 49.**

6 47. A true and correct copy of *National Shooting Sports Foundation, Inc.,*  
7 *Commonly Owned: NSSF Announces Over 24 Million MSRs in Circulation* (July 20,  
8 2022), <https://bit.ly/3QBXiyy> (last visited May 26, 2023) is attached as **Exhibit 50.**

9 48. A true and correct copy of Emily Guskin, Aadit Tambe, and Jon  
10 Gerberg, *The Washington Post, Why do Americans own AR-15s?* (May 22, 2023)  
11 (available at [bit.ly/3G0vbG9](https://bit.ly/3G0vbG9)) is attached as **Exhibit 51.**

12 49. On March 16, 2023, I deposed Defendant's expert witness, Colonel  
13 Craig Tucker. Attached hereto as **Exhibit 52** is a true and correct copy of the  
14 deposition transcript of Colonel Craig Tucker.

15 50. A true and correct copy of the expert witness Rebuttal Report of Mark  
16 Hanish served on Defendant on February 3, 2023 is attached as **Exhibit 53.**

17 51. A true and correct copy of the expert witness Rebuttal Report of J.  
18 Buford Boone III served on Defendant on February 3, 2023 is attached as **Exhibit**  
19 **54.**

20 52. A true and correct copy of the expert witness Rebuttal Report of Gary  
21 Kleck served on Defendant on February 3, 2023 is attached as **Exhibit 55.**

22 53. A true and correct copy of the expert witness Rebuttal Report of  
23 Clayton Cramer served on Defendant on February 3, 2023 is attached as **Exhibit 56.**

24 54. A true and correct copy of the expert witness Rebuttal Report of Ashley  
25 Hlebinsky served on Defendant on February 3, 2023 is attached as **Exhibit 57.**

26 55. A true and correct copy of excerpts from the Corrected Supplemental  
27 Sur-Rebuttal Expert Report and Declaration of Ryan Busse served by Defendant on  
28 February 24, 2023 is attached as **Exhibit 58.**



56. A true and correct copy of excerpts from Frank Minter, *The Future of the Gun* (2014) pp. 46-47 is attached as **Exhibit 59**.

57. A true and correct copy of *2019 Crime in the United States - Expanded Homicide Data Table 8: Murder Victims by Weapon*, U.S. DEP'T OF JUST. (2019) (available at <https://rb.gy/xwdq8>) is attached as **Exhibit 60**.

58. On November 21, 2018, Plaintiffs served Defendant with Plaintiffs' Disclosure of Rebuttal Expert Witnesses in this matter. Three exhibits were attached to Plaintiffs' disclosure: (1) the Rebuttal Expert Report of Mr. J. Buford Boone III; (2) the Rebuttal Expert Report of Professor William English; and (3) the Rebuttal Expert Report of Dr. Gary Kleck. A true and correct copy of Mr. Boone's expert rebuttal report is attached hereto as **Exhibit 61**. A true and correct copy of Mr. English's expert rebuttal report is attached hereto as **Exhibit 62**. A true and correct copy of Dr. Kleck's expert rebuttal report is attached hereto as **Exhibit 63**.

59. A true and correct copy of *The Founders were well aware of continuing advances in arms technology* by David Kopel, <https://reason.com/volokh/2023/05/26/the-founders-were-well-aware-of-continuing-advances-in-arms-technology/> (last visited May 26, 2023) is attached as **Exhibit 64**.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed within the United States on May 26, 2023.

/s/Sean A. Brady

Sean A. Brady  
Declarant

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

Case Name: *Rupp, et al. v. Bonta*  
Case No.: 8:17-cv-00746-JLS-JDE

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:

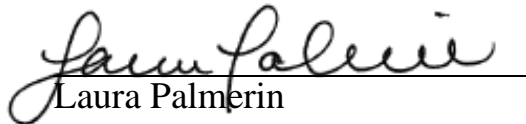
**DECLARATION OF SEAN A. BRADY IN SUPPORT OF PLAINTIFFS'  
MOTION FOR SUMMARY JUDGMENT**

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

Anna Ferrari  
Deputy Attorney General  
Email: [anna.ferrari@doj.ca.gov](mailto:anna.ferrari@doj.ca.gov)  
Christina R.B. Lopez  
Email: [christina.lopez@doj.ca.gov](mailto:christina.lopez@doj.ca.gov)  
John D. Echeverria  
Email: [john.echeverria@doj.ca.gov](mailto:john.echeverria@doj.ca.gov)  
455 Golden Gate Ave., Suite 11000  
San Francisco, CA 94102  
*Attorneys for Defendant*

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

Executed May 26, 2023.

  
\_\_\_\_\_  
Laura Palmerin