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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 KIM RHODE, et al.,
14 Plaintiffs,

15 v.

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

19 Defendant.

Case No.: 3:18-cv-00802-BEN-JLB

**DECLARATION OF DAN WOLGIN
ON BEHALF OF PLAINTIFF AMDEP
HOLDINGS, LLC**

DECLARATION OF DAN WOLGIN

1
2 1. I, Dan Wolgin, make this declaration of my own personal knowledge and, if
3 called as a witness, I could and would testify competently to the truth of the matters set
4 forth herein.

5 2. I am the Chief Executive Officer of AMDEP Holdings, LLC (“Ammunition
6 Depot”), a business engaged in the retail sale of ammunition located in Boca Raton,
7 Florida, and Plaintiff in this action.

8 3. Following the implementation of California’s licensed ammunition vendor
9 processing requirements on January 1, 2018, Ammunition Depot’s sales (of which
10 ammunition is a subset) to California dropped approximately 90% compared to all of
11 2017.

12 4. In Q1 2017, California amounted to approximately 12.7% of all retail sales
13 (of which ammunition is a subset) made by Ammunition Depot. Following the
14 implementation of California’s licensed ammunition vendor processing requirements on
15 January 1, 2018, California amounted to less than 1.8% of Ammunition Depot’s overall
16 retail sales (of which ammunition is a subset) in Q1 2018.

17 5. Overall, California amounted to 22.2% of Ammunition Depot’s retail sales
18 (of which ammunition is a subset) in 2017. Following the implementation of California’s
19 licensed ammunition vendor processing requirements on January 1, 2018, California sales
20 only amounted to approximately 2.8% of Ammunition Depot’s retail sales in 2018.

21 6. Following the implementation of California’s new ammunition background
22 check requirements on July 1, 2019, sales to California amount to approximately 1.9% of
23 Ammunition Depot’s business.

24 7. Between January and June 2019, California ammunition sales accounted for
25 approximately 3.91% of all Ammunition Depot’s ammunition sales. Following the
26 implementation of California’s ammunition background check requirements on July 1,
27 2019, ammunition sales to California dropped to an average of around 1% per annum of
28

1 all Ammunition Depot's ammunition sales, a drop of around 75%. So far in 2023,
2 ammunition sales to California are 1.36% of all Ammunition Depot's ammunition sales.

3 8. Following the implementation of California's new ammunition background
4 check requirements on July 1, 2019, Ammunition Depot attempted to contact the
5 California Department of Justice ("DOJ") to inquire if a business could legally sell
6 ammunition direct to California customers who possess a valid Certificate of Eligibility
7 ("COE") issued by DOJ and a Curio & Relic Type 03 FFL ("C&R License") issued by
8 the Bureau of Alcohol, Tobacco, Firearms and Explosives. Ammunition Depot attempted
9 to communicate with DOJ by contacting the listed "Customer Support Center" at (855)
10 365-3767. On at least eight different occasions, Ammunition Depot attempted to call DOJ
11 to speak with a DOJ representative. Six of those attempts resulted in no answer.
12 Ammunition Depot later attempted to contact DOJ using a different phone, but this time
13 received an automated message stating "This number is not available from your calling
14 area." To date, Ammunition Depot has been unable to reach DOJ for clarification, despite
15 trying to contact DOJ at the phone number currently listed as the number for DOJ's
16 "Customer Support Center" on DOJ's website: <https://oag.ca.gov/firearms/dlrfaqs>.
17 Ammunition Depot has received hundreds of inquiries about this issue from California
18 consumers but has been unable to definitively answer whether the practice is lawful, due
19 to DOJ's silence. Ammunition Depot has refrained from processing any sales directly to
20 California consumers who possess a valid COE and C&R License because of DOJ's
21 refusal to clarify the law.

22 9. Following implementation of California's new ammunition background
23 check requirements on July 1, 2019, several California ammunition retailers contacted
24 Ammunition Depot and instructed it to cease shipments of private customer orders of
25 ammunition to their store, as they did not wish to process such transactions. Some
26 California ammunition retailers have agreed to process transfers from Ammunition Depot
27 to California consumers, but many still refuse to. My employees have heard directly from
28 California consumers who say they would have purchased ammunition from Ammunition

1 Depot but their local shop charges too high of a fee to process the transaction and, as a
2 result, they do not purchase from Ammunition Depot.
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4 I declare under penalty of perjury that the foregoing is true and correct. Executed
5 within the United States on August, 17 2023.
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8 _____
9 Dan Wolgin
10 Declarant
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CERTIFICATE OF SERVICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Rhode, et al. v. Bonta*
Case No.: 3:18-cv-00802-JM-JMA

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

I have caused service of the following documents, described as:

DECLARATION OF DAN WOLGIN ON BEHALF OF PLAINTIFF AMDEP HOLDINGS, LLC

on the following parties by electronically filing the foregoing on August 17, 2023, with the Clerk of the District Court using its ECF System, which electronically notifies them.

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Attorneys for Defendant Attorney
General Rob Bonta

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 17, 2023, at Long Beach, CA.


Laura Palmerin