

1 C.D. Michel – SBN 144258
2 Sean A. Brady – SBN 262007
3 Matthew D. Cubeiro – SBN 291519
4 MICHEL & ASSOCIATES, P.C.
5 180 E. Ocean Boulevard, Suite 200
6 Long Beach, CA 90802
7 Telephone: (562) 216-4444
8 Facsimile: (562) 216-4445
9 Email: cmichel@michellawyers.com

10 Attorneys for Plaintiffs

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 MUHAMED EL-
ZOGHBI IN SUPPORT OF
PLAINTIFFS**

DECLARATION OF MUHAMED EL-ZOGHBI

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

5 2. I am a resident of California and a citizen of the United States who is not
6 prohibited from owning or possessing firearms or ammunition under state or federal law.
7 I am a U.S. Air Force veteran and a current federal employee with the U.S. Customs and
8 Border Protection. I am a member of USA Shooting and the International Defensive
9 Pistol Association (IDPA). I am also a member of the California Rifle & Pistol
10 Association, Incorporated, which is a plaintiff in this action.

11 3. I moved to Los Angeles from Virginia in 2021. As required by law, I
12 submitted a New Resident Report of Firearm Ownership form with the California
13 Department of Justice ("DOJ") for all firearms I brought from Virginia. When I contacted
14 DOJ about my new resident registration shortly after its submission in 2021, DOJ
15 personnel told me that I should not bother them unless a year or more had passed since
16 my paperwork was submitted. Ultimately, it took over 14 months for DOJ to respond to
17 my registration and process my documentation. As of the date of this declaration, I am
18 still dealing with DOJ regarding my new resident registration for several of my firearms.

19 4. After the conversation with DOJ personnel about my new resident firearm
20 registration, I knew I would not have an AFS record that would qualify me for the \$1
21 AFS Check for over a year or more. Due to my need to purchase ammunition for training
22 and competitions, I would have been unable to wait for DOJ to process my forms. I was
23 given no guidance by DOJ on what to do to resolve this issue.

24 5. When I discussed my situation with other gun owners I knew, I was advised
25 to purchase a new firearm to create an AFS record. So in September 2021, believing that
26 it was the only way for me to be able to purchase ammunition (because I did not know of
27 the other options until later), I purchased a rifle that I would not have otherwise
28 purchased solely to create an AFS record and qualify for the \$1 AFS Check.

1 6. I am a competitive skeet shooter (both American and international skeet). I
2 train regularly with Plaintiff Kim Rhode at LA Clays. I need well over 2,000 rounds of
3 shotgun shells a month to train for international skeet.

4 7. I also regularly train for and participate in IDPA matches and train for self-
5 defense with pistols. On average, I use around 500 rounds of pistol ammunition every
6 two months. This is in addition to the ammunition I acquire to keep for self-defense use.

7 8. To facilitate my training and self-defense needs, I buy ammunition roughly
8 every month. Had I waited for DOJ to process my new-resident-registration paperwork to
9 create an AFS record to qualify me for the \$1 AFS Check, I would have incurred an extra
10 expense of around \$266 by utilizing the \$19 Basic Check option for each purchase,
11 merely to be able to purchase ammunition. Alternatively, I could have obtained a COE
12 for \$71, which I would have had to renew (COEs are only valid for one year) and waited
13 who knows how long to receive. However, I was unaware of the COE option at the time
14 because nobody informed me of such an option until recently.

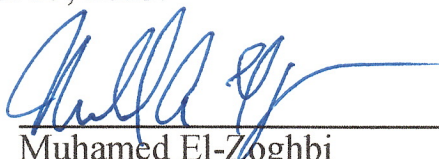
15 9. The challenged laws continue to affect me in another costly way. As a result
16 of the quantity and type of ammunition I purchase, I often cannot locate ammunition at
17 local retail stores. As a result, I must seek out the ammunition I need from internet
18 vendors. Because direct shipping of ammunition to my home is prohibited, I must have
19 any ammunition I purchase on the internet shipped to a licensed vendor located in
20 California to process the transaction in accordance with the challenged laws. Those
21 vendors charge a fee to do so, as it requires employee time and store space. The best deal
22 I could find was a local gun shop that charges 5% of the cost of the order. For example,
23 my typical order of 2,000 shotgun shells of international skeet ammunition runs around
24 \$880 (not including sales tax), so the cheapest vendor that I know of charges me about
25 \$44 to receive that shipment. This is an expense I bear roughly every month, solely due to
26 California's law prohibiting direct ammunition sales.

27 ///

28 ///

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

2 Executed within the United States on August 15, 2023.

3 
4 _____

5 Muhamed El-Zoghbi
6 Declarant
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

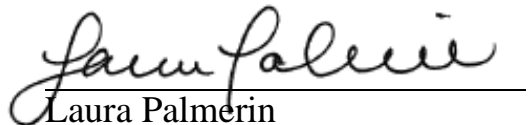
I have caused service of the following documents, described as:

DECLARATION OF MUHAMED EL-ZOGHBI IN SUPPORT OF PLAINTIFFS

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.

John D. Echeverria
Deputy Attorney General
john.echeverria@doj.ca.gov
Anthony P. O'Brien
Deputy Attorney General
anthony.obrien@doj.ca.gov
Christina R.B. Lopez
Deputy Attorney General
christina.lopez@doj.ca.gov
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004
*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