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County of Los Angeles  
8/23/2023 8:05 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By A. Lopez, Deputy Clerk

6 Attorneys for Petitioners - Plaintiffs  
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES**

10 FRANKLIN ARMORY, INC., et al.,  
11  
12 Petitioners-Plaintiffs,

13 v.

14 CALIFORNIA DEPARTMENT OF JUSTICE,  
15 et al.,  
16 Respondents-Defendants.

Case No.: 20STCP01747

[Assigned for all purposes to the Honorable  
Daniel S. Murphy; Department 32]

**DECLARATION OF ANNA M. BARVIR  
IN SUPPORT OF PLAINTIFFS’  
OPPOSITION TO DEFENDANTS’  
MOTION FOR JUDGMENT ON THE  
PLEADINGS**

Hearing Date: September 6, 2023  
Hearing Time: 8:30 a.m.  
Department: 32  
Judge: Hon. Daniel S. Murphy

Action filed: May 27, 2020

1 **DECLARATION OF ANNA M. BARVIR**

2 I, Anna M. Barvir, hereby declare as follows:

3 1. I am an attorney licensed to practice before all courts in the state of California. The law  
4 firm where I am employed, Michel & Associates, P.C., is counsel of record for Plaintiffs Franklin  
5 Armory, Inc., and California Rifle & Pistol Association, Incorporated (collectively, "Plaintiffs"), in the  
6 above-entitled matter. I make this declaration in support of Petitioners' Opposition to Defendants'  
7 Motion for Judgment on the Pleadings. I have personal knowledge of the facts set forth herein and if  
8 called as a witness, I could and would competently testify hereto.

9 2. On December 28, 2021, counsel for Plaintiffs in the above-entitled matter deposed Ms.  
10 Cheryle Massaro-Florez, an employee of the California Department of Justice with the job title of  
11 Supervisor II who had executed a declaration in support of the Defendants' November 29, 2021, motion  
12 to dismiss the second amended complaint. A true and correct copy of relevant excerpts from the  
13 transcript of the December 28, 2021, deposition of Ms. Massaro-Florez is attached as **Exhibit 1**.

14 3. Attached to the notice of the deposition of Ms. Massaro-Florez, I requested several  
15 categories of documents. Ms. Massaro-Florez and the DOJ produced those documents at the deposition  
16 on December 28, 2021. True and correct copies of all documents produced in response are attached as  
17 **Exhibit 2**.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
19 true and correct. Executed on August 23, 2023, at Temescal Valley, California.

20  
21 

22 \_\_\_\_\_  
23 Anna M. Barvir  
24 Declarant

# **EXHIBIT 1**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

FRANKLIN ARMORY, INC., and )  
CALIFORNIA RIFLE & PISTOL )  
ASSOCIATION, INCORPORATED, )  
 )  
Petitioners-Plaintiffs, )  
 )  
vs. ) Case No. 20STCP01747  
 )  
CALIFORNIA DEPARTMENT OF )  
JUSTICE, ROBERT A. BONTA, )  
in his official capacity as )  
Attorney General for the )  
State of California, and )  
DOES 1-10, )  
 )  
Respondents-Defendants. )  
\_\_\_\_\_ )

DEPOSITION VIA VIDEOCONFERENCE OF  
CHERYLE MASSARO-FLOREZ  
Tuesday, December 28, 2021

Stenographically Reported by:  
Vicki Resch, RPR, CSR 6645

**Cheryle Massaro-Florez - December 28, 2021**

10:36 1 reference in your declaration given a specific name, a  
2 title?

3 A Of the application?

4 Q The project as a whole.

10:36 5 A Oh, just gun type, other.

6 Q Gun type, other.

7 In paragraph 2 you state that the project  
8 also included various DOJ applications and databases,  
9 correct?

10:37 10 A Yes.

11 Q Can you clarify what you mean by applications  
12 versus databases?

13 A Yes. So applications link up to databases,  
14 and some of our databases have multiple applications  
10:37 15 that are tied to them.

16 Q And the DES would qualify as an application?

17 A Application and a database.

18 Q And a database. Okay.

19 What applications were included in this  
10:37 20 specific project?

21 A Besides the dealer record of sale of entry  
22 system, there was -- although another one called  
23 dealer record of sale, we call it DRoS. The automated  
24 firearms system, we call it AFS. The arms and  
10:38 25 prohibited person system. We call it APPS, A-P-P-S.

**Cheryle Massaro-Florez - December 28, 2021**

10:38 1 We also included one called the California Firearms  
2 Application Reporting System. We call it CFARS. And  
3 we have a middleware that can be considered an  
4 application, which is the California Information  
10:38 5 Gateway. We call it CFGI.

6 Q And what databases did this project include?

7 A The DES database, one called Consolidated  
8 Firearms Information System database, and the  
9 California Justice Information System database.

10:38 10 Q And in paragraph 2, you state that the  
11 modifications were deployed on October 21st, 2021; is  
12 that correct?

13 A No.

14 Q When were they deployed?

10:39 15 A October 1st, 2021.

16 Q October 1st?

17 A Yes.

18 Q Thank you. What does the term "deployed"  
19 mean in that context?

10:39 20 A It means that it was implemented and  
21 available to the public to access.

22 Q When was the first time you heard about this  
23 project?

24 A We were moving forward with this starting in  
10:39 25 July.

**Cheryle Massaro-Florez - December 28, 2021**

10:39 1 Q July of?

2 A 2021.

3 Q And that's the first time you ever heard  
4 about this, the other firearm issue?

10:40 5 A No, that was the first time I was assigned  
6 the task to implement it.

7 Q When was the first time you heard about the  
8 issue, the "other" firearm --

9 MR. BARNOUW: I'm going to object. This has  
10:40 10 gone beyond the scope of discovery here. We're here  
11 to talk about the project that the -- to implement, to  
12 deploy the "other" option and your contention that it  
13 somehow does not render this case moot, so I'm going  
14 to instruct her not to answer that question.

10:40 15 MR. DAVIS: I think it's applicable in this  
16 situation because I'd like to know how much time  
17 transpired from the project being started to --  
18 between that period and the time that she actually  
19 heard about it being discussed, how much downtime  
10:40 20 there was before any movement was actually moving  
21 forward on it.

22 (Simultaneous speakers.)

23 MR. BARNOUW: We can go back and look at her  
24 answer to the question. I think she said July.

25 ///

**Cheryle Massaro-Florez - December 28, 2021**

10:41 1 BY MR. DAVIS:

2 Q July was when -- July 1st, 2021 is when it  
3 started, correct, Ms. Massaro-Florez?

4 A Yes.

10:41 5 Q Who -- were you assigned this project by  
6 someone?

7 A Yes.

8 Q Who?

9 A My Information Technology Manager III.

10:41 10 Q What's that person's name?

11 A I can't pronounce his last name very well.  
12 His first name is Naren. Let me pull it up for you  
13 and spell it for you. My apologies. It is --

14 MR. DAVIS: That's N-o-r-i-n?

10:42 15 THE WITNESS: It's N-a-r-e-n. The last name  
16 is Mikkilineni. It's M-i-k-k-i-l-i-n-e-n-i.

17 BY MR. DAVIS:

18 Q Was there anyone else assigned to this  
19 project before you?

10:42 20 MR. BARNOUW: I'm going to object. It's  
21 vague.

22 Go ahead.

23 THE WITNESS: Yes. My -- my copartner. We  
24 are sister units. We were both tasked to -- and  
10:42 25 there's a document that was sent to you -- to discuss



# **EXHIBIT 2**



- DES, CFARS, DROS, APPS, AWR Internal Regression – BOF Testers - Start: Tuesday, 9/1  
Due Tuesday, 9/14
- Functional, SIT & Regression Fixes – ADB/Web Team & ADB/FFAS – Due: Tuesday, 9/14
- User Acceptance Testing – BOF Testers – Start: Thursday, 9/16 Due: Friday, 9/24
- UAT Bug Fixes – ADB/Web Team & ADB/FFAS – Due: Friday, 9/24

Christina Rosa-Robinson  
ADB/IASB/Firearms & Forensic Applications Section  
California Department of Justice  
916-210-5314

**OTHER GUN ASSUMPTIONS**

- 1) All requirements except the changes detailed in “Gun Type “other” MVP-Requirements-Disclosure updated 02 10 21.xlsx” (in red) will stay the same. No new requirements from BOF will be given for this effort.
- 2) The analyst and developer resources needed to support CFARS/DES for Other Guns are also assigned to AB 1872/ AB 2165, SB 746/ AB 539 [REDACTED].

**TIMELINE FOR DEVELOPMENT: Total – 2.5 to 3 months**

Phase	Duration	Scope	Resources
Analysis	2 Weeks	<ul style="list-style-type: none"> <li>• Spring Code Changes</li> <li>• Jobs</li> <li>• Database changes</li> <li>• Views and Reports defined in Disclosure</li> </ul>	<ul style="list-style-type: none"> <li>• CFARS – [REDACTED]</li> <li>• DES – [REDACTED]</li> <li>• CFGI – [REDACTED]</li> <li>• D1.9 - Reports designated by BOF as those used to report statistics to external entities will be evaluated first for impact from the “Other” Gun Type enhancement only. – [REDACTED]</li> </ul>
Build	3 weeks	<ul style="list-style-type: none"> <li>• Jobs</li> <li>• Database changes</li> <li>• Views and Reports defined in Disclosure</li> </ul>	<ul style="list-style-type: none"> <li>• CFARS – [REDACTED]</li> <li>• DES – [REDACTED]</li> <li>• CFGI – [REDACTED]</li> <li>• D1.9 - Reports designated by BOF as those used to report statistics for “Other” Gun Type enhancement only. – [REDACTED]</li> </ul>
SIT/Regression	3 weeks	<ul style="list-style-type: none"> <li>• Jobs</li> <li>• Database changes</li> <li>• Views and Reports defined in Disclosure</li> </ul>	<ul style="list-style-type: none"> <li>• CFARS – [REDACTED]</li> <li>• ETO if we do it with Spring migration)</li> <li>• DES – [REDACTED]</li> <li>• Integration / round trip testing – [REDACTED]</li> <li>• Reports – [REDACTED]</li> </ul>
UAT	2 weeks		<ul style="list-style-type: none"> <li>• CFARS – BOF</li> <li>• DES- BOF</li> <li>• Reports – BOF</li> </ul>

1) **October 1, 2021 Deploy:** [REDACTED]

Task Name	% Complete	Duration	Start	Finish
<b>Other Gun Impact</b>	<b>0%</b>	<b>50 days</b>	<b>Mon 7/19/21</b>	<b>Mon 9/27/21</b>
Analysis	0%	2 wks	Mon 7/19/21	Fri 7/30/21
Build	0%	3 wks	Mon 8/2/21	Fri 8/20/21
SIT Regression	0%	3 wks	Mon 8/23/21	Mon 9/13/21
UAT	0%	2 wks	Tue 9/14/21	Mon 9/27/21

- [REDACTED]
- [REDACTED]
- AB 1872/ AB 2165 Build (CFARS/DES) – Scheduled for May to September 2021
- AB 1872 / AB 2165 Testing (CFARS/DES) – Scheduled for September to November 2021
- SB 746 / SB 539 Build (CFARS/DES) – Scheduled for May to September 2021
- SB 746 / SB 539 Testing (CFARS/DES) – Scheduled for September to November 2021
- [REDACTED]
- [REDACTED]

2) **January 1, 2022 Deploy:** [REDACTED]

Task Name	% Complete	Duration	Start	Finish
<b>Other Gun Impact</b>	<b>0%</b>	<b>50 days</b>	<b>Fri 10/15/21</b>	<b>Thu 12/30/21</b>
Analysis	0%	2 wks	Fri 10/15/21	Thu 10/28/21
Build	0%	3 wks	Fri 10/29/21	Mon 11/22/21
SIT Regression	0%	3 wks	Tue 11/23/21	Wed 12/15/21
UAT	0%	2 wks	Thu 12/16/21	Thu 12/30/21

- AB 1872 Testing (CFARS/DES) – Scheduled for September to November 2021
- SB 746 Testing (CFARS/DES) – Scheduled for September to November 2021
- [REDACTED]
- [REDACTED]

3) **April 1, 2022 Deploy:** [REDACTED]

Task Name	% Complete	Duration	Start	Finish
<b>Other Gun Impact 4/1/2022 Deploy</b>	<b>0%</b>	<b>50 days</b>	<b>Tue 1/18/22</b>	<b>Tue 3/29/22</b>

Analysis	0%	2 wks	Tue 1/18/22	Mon 1/31/22
Build	0%	3 wks	Tue 2/1/22	Tue 2/22/22
SIT Regression	0%	3 wks	Wed 2/23/22	Tue 3/15/22
UAT	0%	2 wks	Wed 3/16/22	Tue 3/29/22

4) July 1, 2022 Deploy: [REDACTED]

Task Name	% Complete	Duration	Start	Finish
<b>Other Gun Impact 4/1/2022 Deploy</b>	<b>0%</b>	<b>50 days</b>	<b>Mon 4/18/22</b>	<b>Mon 6/27/22</b>
Analysis	0%	2 wks	Mon 4/18/22	Fri 4/29/22
Build	0%	3 wks	Mon 5/2/22	Fri 5/20/22
SIT Regression	0%	3 wks	Mon 5/23/22	Mon 6/13/22
UAT	0%	2 wks	Tue 6/14/22	Mon 6/27/22

## MINIMUM VIABLE PRODUCT (MVP)

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- MVP1.0 Enhance DES **Spring migrated code** to allow a sale of Firearm Type 'Other'
- MVP1.1 Enhance DES **Spring migrated code** to allow Acquisition of Firearm Type 'Other' . This includes Buy, Consignment, Pawn
- MVP1.2 Enhance CFARS **Spring Migrated code** to allow a User to submit an AFS Personal Information Update application to append current information to a firearm type defined as 'Other'
- MVP1.3 Enhance CFARS **Spring migrated code** to allow a User to submit a Law Enforcement Gun Release (LEGR) application for an Firearm Type 'Other'

## REQUIREMENT

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- R1.0 DES must be able to process a DROS transaction for Long Gun with the Firearm Type of 'Other'
- R1.1 A Long Gun DROS with the Gun Type of 'Other' will trigger BFEC Process
- R1.2 DROS transactions of Long Gun with the Firearm Type of 'Other' must be recorded in AFS
- R1.3 CFARS AFS Personal Information Update form shall allow a user to appended current information for Firearm Type 'Other'
- R1.4 CFARS Law Enforcement Gun Release Application (LEGR) form shall allow a user to submit for Firearm Type 'Other'
- R1.5 CFARS Firearm Type 'Other' will model gun type 'Rifle' category and receiver
- R1.6 DROS shall process Firearm Type 'Other' as a Long gun
- R1.7 Category and Barrel validations for Firearm Type 'Other' will follow 'Long gun' Firearm Type validations within DES
- R1.8 Category and Barrel validations for Firearm Type 'Other' will follow 'Rifle' Firearm Type validations within CFARS

## IMPACT

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- D1.0 Any DROS Reports that use AFS XREF or handgun/long gun logic will count "other" gun as longgun
- D1.1 Purpose code for 'other' gun: **Purpose codes have been modified since the original other gun project and will need to be revisited.**
  - 2 - long gun purchase
  - 3 - frame only purchase
  - 14 - gun permit (for any CRIS records which include LEGR that we're including in this enhancement)
  - 10 - longgun pawn redemption
  - 11 - frame only pawn redemption
- D1.2 "Other" gun type will skip the 1 in 30 day check for background checks because it will be considered a long gun - **will need to know the impact to SB 61**
- D1.3 AFS XREF will indicate long gun for 'other' gun and will be treated like longgun within DROS
- D1.4 Stolen gun match used during BFEC will not match due to different Firearm Type value
- D1.5 AFS assault weapon check logic will be impacted; currently matches by Make, Model, Type, if Firearm Type 'Other' is used will not be caught by AFS assault weapon check
- D1.6 APPS gun match logic for associated and disassociating firearms records from DROS, AWR, AFS will not match due to different firearm type value
- D1.7 AFS duplicate/match/hookup gun match logic will not match due to different Firearm Type value
- D1.8 DES Firearm Type 'Other' will model gun type 'Rifle'
- D1.9 Reports designated by BOF as ones used to report statistics to external entities will be evaluated first for impact from the "Other" Gun Type enhancement only.
- D1.10 The "Other Gun Type will be considered a Long Gun - Rifle for processing purposes

---

SIGNATURE

DATE

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA  
3 COUNTY OF LOS ANGELES

4 I, Laura Palmerin, am employed in the City of Long Beach, Los Angeles County, California. I  
5 am over the age eighteen (18) years and am not a party to the within action. My business address is 180  
6 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

7 On August 23, 2023, I served the foregoing document(s) described as

8 **DECLARATION OF ANNA M. BARVIR IN SUPPORT OF PLAINTIFFS’ OPPOSITION TO**  
9 **DEFENDANTS’ MOTION FOR JUDGMENT ON THE PLEADINGS**

10 on the interested parties in this action by placing  
11 [ ] the original  
12 [X] a true and correct copy  
13 thereof by the following means, addressed as follows:

14 Kenneth G. Lake  
15 Deputy Attorney General  
16 Email: [Kenneth.Lake@doj.ca.gov](mailto:Kenneth.Lake@doj.ca.gov)  
17 Andrew Adams  
18 Email: [Andrew.Adams@doj.ca.gov](mailto:Andrew.Adams@doj.ca.gov)  
19 California Department of Justice  
20 300 South Spring Street, Suite 1702  
21 Los Angeles, CA 90013  
22 *Attorney for Respondents-Defendants*

23 X (BY ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic  
24 transmission through One Legal. Said transmission was reported and completed without error.

25 X (STATE) I declare under penalty of perjury under the laws of the State of California that the  
26 foregoing is true and correct.

27 Executed on August 23, 2023, at Long Beach, California.



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