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Harris, On Target Indoor Shooting Range, LLC, Gaalswyk Enterprises, Inc.
(D/B/A/ Smokin’ Barrel Firearms), Gun Owners of California, Inc., Gun Owners of
7 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association,
Incorporated
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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 ADAM RICHARDS, an individual;
JEFFREY VANDERMEULEN, an
16 individual; GERALD CLARK, an
individual; JESSE HARRIS, an
17 individual; ON TARGET INDOOR
SHOOTING RANGE, LLC;
18 GAALSWYK ENTERPRISES, INC.
(D/B/A/ SMOKIN’ BARREL
19 FIREARMS); GUN OWNERS OF
CALIFORNIA, INC.; GUN OWNERS
20 OF AMERICA, INC.; GUN OWNERS
FOUNDATION; CALIFORNIA RIFLE
21 & PISTOL ASSOCIATION,
INCORPORATED; and SECOND
22 AMENDMENT FOUNDATION, a
California Corporation,

23 Plaintiffs,

24 v.

25 GAVIN NEWSOM, in his official
26 capacity as Governor of the State of
California; ROBERT BONTA, in his
27 official capacity as Attorney General of
the State of California, and DOES 1-10,
28

Defendants.

Case No.:

**DECLARATION OF ERICH M.
PRATT IN SUPPORT OF
PLAINTIFFS’ COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

DECLARATION OF ERICH M. PRATT

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2 1. I, Erich M. Pratt, am the Senior Vice President of the Gun Owners of
3 America (GOA) and Senior Vice President of Gun Owners Foundation, plaintiffs in
4 the above-entitled action. I make this declaration of my own personal knowledge,
5 and, if called as a witness, I could and would testify competently to the truth of the
6 matters set forth herein.

7 2. I am a U.S. citizen and resident of Virginia.

8 3. GOA is a California non-stock corporation with its principal place of
9 business in Springfield, VA. GOA is organized and operated as a non-profit
10 membership organization that is exempt from federal income taxes under section
11 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve
12 and defend the Second Amendment rights of gun owners. GOA's members and
13 supporters include residents of California that reside in this district, many of whom
14 are and will be irreparably harmed by the implementation of SB 1384, which is
15 being wielded as a political weapon, making it financially impossible for many
16 firearms dealers to implement the required video, audio, and recording surveillance
17 equipment required to comply with the statute, and which will cause many to go out
18 of business entirely, and will thereby restrict law-abiding Californians' access to
19 constitutionally protected arms.

20 4. Gun Owners Foundation (GOF) is a Virginia non-stock corporation,
21 with its principal place of business in Springfield, VA. GOF is organized and
22 operated as a non-profit legal defense and educational foundation that is exempt
23 from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue
24 Code. GOF is supported by gun owners across the country, and within California
25 including residents of this district, who are and will be irreparably harmed by the
26 implementation of SB 1384.

27 5. GOA and GOF together have more than two million members and
28 supporters nationwide, including thousands who are California residents, many of

1 whom reside or have businesses within this district. Many of those members and
2 supporters are either customers of California gun stores, or firearms dealers
3 themselves.

4 6. GOA also maintains the Caliber Club, a “partnership program”
5 comprised of more than five thousand gun stores and shooting ranges across the
6 country, including those located in California. GOA distributes literature, including
7 information about becoming a GOA member, to gun stores in California. SB
8 1384’s onerous surveillance regime will have a chilling effect on our ability to
9 engage with new prospective members, donors, and supporters, leading to GOA
10 having fewer members, and receiving fewer donations, than without SB 1384, and
11 thus affecting our ability to perform our mission to secure and protect the right to
12 keep and bear arms.

13 7. Since the passage of SB 1384, a significant concern of our members
14 and supporters, who include licensed California firearms dealers, has been that this
15 seemingly vindictive statute would cause gun stores across the state to close down
16 if they cannot afford the type of equipment and technology required to comply with
17 the mandate for 24/7 audio and video recording within their places of business,
18 including the private homes of dealers who are home-based.

19 8. Additionally, GOA’s and GOF’s members and supporters, including
20 customers and family members of firearms dealers, will be subjected to and harmed
21 by the requirement that gun dealers record, with sophisticated audio and video
22 equipment, all activities and conversations within the licensed dealers’ premises,
23 whether a big box store, ordinary gun store, or even home-based firearms business.

24 9. Our members and supporters desire and overwhelmingly support
25 GOA and GOF’s involvement in litigation to protect the rights which are being
26 unconstitutionally infringed by SB 1384.

27 10. In other words, GOA and GOF represent the interests of many dealers
28 and their customers across the state who are affected by SB 1384’s audio and video

1 surveillance requirements.

2 11. GOA and GOF have members and supporters who routinely shop at
3 these home-based or otherwise non-retail firearm dealers.

4 12. GOA's and GOF's members and supporters are representative of
5 those who will be affected by SB 1384's 24/7 video and audio surveillance
6 requirements, which will have a ubiquitous and negative effect on the firearms
7 community.

8 13. Protection of the right to privacy advanced in this litigation is
9 germane to GOA's and GOF's missions, which include the effort to preserve and
10 protect the Second Amendment and the rights of Americans to keep and bear arms,
11 including against overreach by the legislative and executive branch of California
12 government and anti-gun bureaucrats. GOA and GOF routinely litigate cases
13 throughout the country on behalf of their members and supporters, and GOA and
14 GOF are capable of fully and faithfully representing the interests of their members
15 and supporters without participation by each of the individuals and entities.

16 14. The magnitude and scope of the harms alleged above to GOA's and
17 GOF's members and supporters, while already real, concrete, and irreparable, are
18 still yet to be fully realized, as SB 1384 will become effective on January 1, 2024,
19 when the video and audio surveillance requirements go into effect.

20 15. In different ways and to varying degrees, each of our members and
21 supporters in California will be irreparably harmed once this law is fully
22 implemented. Some will be subjected to ever encroaching, illegal, and
23 unconstitutional infringements of their right to keep and bear arms, and some will
24 have to dramatically change the way they do business, including the elimination of
25 assembling and speaking with like-minded individuals about protected rights while
26 shopping at gun stores, having to install a government monitor in their homes
27 invading all aspects of their private lives, and having to waive numerous other
28 constitutional rights simply to exercise their Second Amendment rights. SB 1384's

1 tyranny is now affecting these persons in ways that, heretofore, even California
2 residents could not have contemplated.

3 16. If SB 1384's 24/7 video and audio recording mandates are not
4 enjoined now, our members' and supporters' First, Second, Fourth, and Fifth
5 Amendment rights will be significantly curtailed.

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7 I declare under penalty of perjury that the foregoing is true and correct.
8 Executed within the United States on December 19, 2023.

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11 _____
12 Erich M. Pratt
13 Declarant
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