

1 C. D. Michel – SBN 144258
Tiffany D. Chevront – SBN 317144
2 MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
3 Long Beach, CA 90802
Telephone: (562) 216-4444
4 Facsimile: (562) 216-4445
cmichel@michellawyers.com
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6 Attorneys for Plaintiffs Adam Richards, Jeffrey Vandermeulen, Gerald Clark, Jesse
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
8

9 Donald Kilmer – SBN 179986
Law Offices of Don Kilmer, APC
14085 Silver Ridge Rd.
10 Caldwell, Idaho 83607
Telephone: (408) 264-8489
11 Don@DKLawOffice.com

12 Attorney for Plaintiff Second Amendment Foundation

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.: 8:23-cv-02413 JVS (KESx)

**DECLARATION OF ROBERT
GAALSWYK IN SUPPORT OF
PLAINTIFFS’ APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ISSUANCE OF
PRELIMINARY INJUNCTION**

Hearing Date: TBD
Hearing Time: TBD
Courtroom: 10C
Judge: Hon. James V. Selna

DECLARATION OF ROBERT GAALSWYK

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2 1. I, Robert Gaalswyk, represent plaintiff Smokin’ Barrel Firearms in the
3 above-entitled action. I make this declaration of my own personal knowledge and if
4 called as a witness, I could and would testify competently to the truth of the matters
5 set forth herein.

6 2. I am the owner of Smokin’ Barrel Firearms in Tulare County, CA. I
7 oversee the day-to-day activity of the facility, including firearms sales and transfers.

8 3. Smokin’ Barrel Firearms is a family-owned small business.

9 4. Smokin’ Barrel Firearms is a brick-and-mortar gun shop that handles
10 firearms sales, firearms transfers, layaway sales, consignment firearms, and e-
11 transfers.

12 5. Smokin’ Barrel Firearms is a 1300 square foot facility which would
13 require 5 cameras plus the hardware and wiring to record 24 hours per day (even
14 when not open and transacting business) under SB 1384 rules.

15 6. Smokin’ Barrel Firearms estimates that to comply with SB 1384, we
16 would have to spend an estimated \$5,000 to \$12,000 dollars. The cost to a small
17 business like ours would be very challenging especially in the current economy.

18 7. As an FFL, Smokin’ Barrel Firearms has conversations with customers
19 that are confidential in nature regarding their needs to protect themselves and keep
20 them and others safe as well as collecting their personal and private information.
21 We also discuss the types of firearms that are good for their needs and the laws that
22 they must follow as well as pending laws that the state is trying to pass against
23 lawful gun owners.

24 8. Smokin’ Barrel Firearms would also be forced to target a camera
25 directly at the computer screen where the online transfers occur which would
26 directly collect all of the customer data being put into the system for processing and
27 thus create a defacto gun registry that the state DOJ could access at any time.

28 9. Smokin’ Barrel Firearms supports groups like CRPA, GOC, GOF, and

1 SAF and encourages and speaks to customers about why it is so important to join
2 these groups to fight for their rights as gun owners in a state that is constantly trying
3 to restrict their basic constitutional rights.

4 10. The recording of these conversations and private information being
5 entered would make gun owners less likely to ask questions and speak openly for
6 fear of the anti-Second Amendment government watching and listening to them.

7 11. Smokin' Barrel Firearms' customers and students would be injured by
8 SB 1384 because those recordings could be accessed on demand by the DOJ as well
9 as by subpoena for any criminal or civil action against the customers who did not
10 consent to be recorded in the first place.

11 12. Smokin' Barrel Firearms is also concerned about the additional
12 liability of audio recording these confidential conversations without the other
13 persons giving their consent. This opens them up to liability for future legal action
14 that we would not have absent SB 1384.

15 13. Beyond driving the customers and students away, SB 1384 will impact
16 Smokin' Barrel Firearms financially by forcing them to purchase costly commercial
17 recording equipment that is beyond what is necessary for security of the store.
18 Additional equipment, audio recording, space to store the recordings and wiring of
19 the space are all a huge financial burden.

20 14. If SB 1384 is fully implemented, Smokin' Barrel Firearms will see
21 reduced number of gun owners purchasing from their store, reduced number of gun
22 owners willing to have open and honest conversations about their firearms and the
23 laws surrounding their possession and use, and will be greatly impacted by the
24 financial cost this bill would mandate on businesses like Smokin' Barrel Firearms.

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I declare under penalty of perjury that the foregoing is true and correct.
Executed within the United States on December 21, 2023.


Robert Gaalswyk
Declarant

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

Case Name: *Richards, et al. v. Newsom, et al.*
Case No.: 8:23-cv-02413 JVS (KESx)

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 ROBERT GAALSWYK IN SUPPORT OF
PLAINTIFFS’ APPLICATION FOR TEMPORARY RESTRAINING
ORDER AND ISSUANCE OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

Governor Gavin Newsom
1021 O Street, Suite 9000
Sacramento, CA 95814

 X (**BY OVERNIGHT MAIL**) As follows: I am “readily familiar” with the firm’s practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance with ordinary business practices.

John D. Echeverria
Deputy Attorney General
john.echeverria@doj.ca.gov
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004

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

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

Executed December 21, 2023.



Laura Palmerin