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9

10  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF LOS ANGELES  
13

14 **FRANKLIN ARMORY, INC. AND  
CALIFORNIA RIFLE & PISTOL  
15 ASSOCIATION, INCORPORATED,**

16  
17 Plaintiffs,

18 v.

19 **CALIFORNIA DEPARTMENT OF  
JUSTICE, XAVIER BECERRA, IN HIS  
20 OFFICIAL CAPACITY AS ATTORNEY  
GENERAL FOR THE STATE OF  
21 CALIFORNIA, AND DOES 1-10,**

22 Defendants.  
23

Case No. 20STCP01747

**REPLY DECLARATION OF KENNETH  
G. LAKE IN SUPPORT OF MOTION BY  
DEFENDANTS FOR SUMMARY  
JUDGMENT; OR IN THE  
ALTERNATIVE, FOR SUMMARY  
ADJUDICATION OF ISSUES**

**Date: July 10, 2024**

**Time: 8:30 a.m.**

**Dept.: 32**

**Honorable Daniel S. Murphy**

**RES ID: 554862513719**

24 I, Kenneth G. Lake, declare:

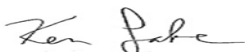
25 1. I am an attorney at law duly authorized to practice in the State of California. I am a  
26 Deputy Attorney General assigned to handle this matter on behalf of defendants.

27 2. True and correct copies of the relevant portions of the deposition of Jay Jacobson, taken  
28 on November 14, 2023, pgs. 129-130 are attached hereto as Exhibit A1.

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3. True and correct copies of the relevant portions of the deposition of Cheryle Massaro-Flores, taken on September 8, 2023, pgs. 58-60 are attached hereto as Exhibit D1.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 5, 2024.



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Kenneth G. Lake

# EXHIBIT A1

1 what you have is the current manifestation inside our  
2 accounting system that was on whatever date it was done --  
3 looks like September 11 of the year.

4 Q And I'm assuming that for the dealers that you  
5 had relationships with, that you had terms that define the  
6 relationship when they make and purchase firearms?

7 A Some of them had terms. Others were due upon  
8 receipt or prepaid before we ship.

9 Q Okay. Let me ask you this about those dealers  
10 who purchased Title 1's that are on this list, this  
11 472-page list. We talked about how the deposits were  
12 refundable. Would the purchases of the Title 1's also be  
13 fully refundable?

14 A So looking on page 1, C.S. Tactical, Inc.,  
15 appears to be the first dealer that ordered five units.  
16 They did not have to present any deposit or anything of  
17 that nature to place that order.

18 Q Well, did they ever get charged that amount, that  
19 indicates \$3,762.80?

20 A They did not get charged that amount because the  
21 government stepped in the way.

22 Q Okay. So this is just -- all right. This was  
23 just more of an accounting entry and they weren't actually  
24 charged and they never paid this amount; fair?

25 A Yeah. They ordered the product with intent to

1 purchase for that amount.

2 Q And does that go for all the dealers who would be  
3 on this complete list?

4 A Yeah.

5 Q So nobody -- no money ever exchanged hands?

6 A Correct. There was an intention to purchase for  
7 that amount.

8 Q But when we're talking about the five dollar  
9 deposits, those folks were actually charged the five  
10 dollars?

11 A Right.

12 Q All right. So -- is it fair to say then the  
13 entirety of the time frame within which deposits were  
14 placed for the Title 1's started on October 16, 2019, and  
15 the last transaction for a Title 1 was on August 6, 2020?

16 A Pretty close. On the August 6, 2020, I'm not  
17 sure if those were orders placed overnight, that were then  
18 downloaded that day. I'm not sure what time the governor  
19 signed that law, but I believe it took effect immediately.  
20 And as soon as we did, we did not accept any additional  
21 orders.

22 So again, the only question is on August 6, did  
23 we download it that day because they placed the order  
24 prior to the signature and that sort of thing? Because  
25 there is a delay between once they placed the order on the

## EXHIBIT D1

1 BY MR. DAVIS:

2 Q The DES was modified previously to update the  
3 country of birth field to include the United Arab  
4 Emirates, correct?

5 A Yes.

6 Q What steps were taken in the DES to add the  
7 AEU to the drop-down list?

8 A So first we had to verify that is a valid  
9 country of origin with the -- we use the NCIC,  
10 National Criminal Information Center, the FBI, make  
11 sure that it's clear, that it's valid. Then we have  
12 to add it to multiple lookup tables. And then  
13 specifically for DES, we would have to clear static  
14 cache for it to be seen.

15 Q Did that change cause or require any other  
16 databases or systems to be updated?

17 A No.

18 Q So that was one specific change. You didn't  
19 have to interrelate that to other databases like you  
20 did with adding "other" to the drop-down list?

21 A So let me correct my answer. It's a lookup  
22 table used by multiple applications. So static cache  
23 had to be cleared in other applications as well.

24 Q Do you know what other applications those had  
25 to be cleared in as well?

1           A     Any -- any of the internal applications. So  
2 assault weapon registration, armed private person  
3 system. Any application that requires personal  
4 identifiers to add place of birth.

5           Q     So removing the assault weapons portions of  
6 the change, the enhancement for the drop-down list for  
7 "others," would the enhancement -- the changes  
8 necessary to add the AEU be similar to those that were  
9 necessary to add "other" to the drop-down list?  
10 Again, excluding the assault weapon portion of it.

11          A     No.

12          Q     What was different?

13          A     The lookup table already exists. The systems  
14 are all built to -- to handle that lookup table, and  
15 it doesn't have validations behind them. It --

16          Q     When you say -- go ahead.

17          A     It displays just a label on the output. So  
18 however you spelled it.

19          Q     When you say validations, those don't apply  
20 to the AEU change, but they do apply to the drop-down  
21 list for adding "others" to the long gun change,  
22 correct?

23          A     Yes.

24          Q     And what does that mean, validations?

25          A     So allowing the system to -- to -- let me



1 see. Validation is the rules built within the  
2 application, whether it can accept or not accept a  
3 certain combination of things and type "other" did not  
4 exist, so it was not in our coding language to  
5 recognize it.

6 Q AEU didn't exist, but it didn't have to  
7 connect with "other" input to say that this is  
8 something that can or cannot proceed.

9 Is that what you're saying?

10 A Right. So the DES's coding logic already  
11 recognized that lookup table. So adding anything to  
12 that lookup table wouldn't be -- it wouldn't be a  
13 validation issue.

14 Q Do you know how much time it took to make  
15 that change for the AEU correction?

16 A A couple hours maybe.

17 Q Couple hours. So something that was probably  
18 done in one day?

19 A Yes.

20 MR. DAVIS: I need a break for five minutes.  
21 I just want to make sure there's nothing else I need  
22 to add before we're done.

23 MR. ADAMS: That works. Let's go off the  
24 record.

25 MR. DAVIS: Thank you.

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**DECLARATION OF SERVICE BY ELECTRONIC MAIL**

RE: *Franklin Armory, Inc., v. California Department of Justice.*  
Case No. 20STCP01747

I declare: I am employed in the City of Los Angeles, County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 300 South Spring Street, Room 1700, Los Angeles, California 90013. On July 5, 2024, I served the documents named below on the parties in this action as follows:

**REPLY DECLARATION OF KENNETH G. LAKE IN SUPPORT OF MOTION BY DEFENDANTS FOR SUMMARY JUDGMENT; OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION OF ISSUES**

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*Attorneys for Plaintiffs-Petitioners*

(BY MAIL) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Los Angeles, California. I am readily familiar with the practice of the Office of the Attorney General for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

(BY OVERNIGHT DELIVERY) I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery with the GOLDEN STATE OVERNIGHT courier service.

(BY FACSIMILE) I caused to be transmitted the documents(s) described herein via fax number.

(BY ELECTRONIC MAIL) I caused to be transmitted the documents(s) described herein via electronic mail to the email address(es) listed above.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

Executed on July 5, 2024, at Los Angeles, California.

Sandra Dominguez  
Declarant

Sandra Dominguez  
Signature