

Case No. 25-693

In the United States Court of Appeals
for the Ninth Circuit

ADAM RICHARDS, et al.,
Plaintiffs-Appellants,

v.

GAVIN NEWSOM,
in his official capacity as Governor of the State of California,
Defendants-Appellees.

On Appeal from the United States District Court
for the Central District of California
Case No. 8:23-cv-02413 JVS (KESx)

**APPELLANTS' EXCERPTS OF RECORD
VOLUME 3 OF 4**

C.D. Michel
Anna M. Barvir
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
Long Beach, CA 90802
(562) 216-4444
cmichel@michellawyers.com

Donald Kilmer
Law Offices of Donald Kilmer, APC
14085 Silver Ridge Rd.
Caldwell, Idaho 83607
(408) 264-8489
don@dklawoffice.com

Attorneys for Plaintiffs-Appellants

May 27, 2025

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

Present: The Honorable **James V. Selna, U.S. District Court Judge**

Elsa Vargas

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: [IN CHAMBERS] Order Regarding Preliminary Injunction [11]

Before the Court is Plaintiff Adam Richards, Jeffrey Vandermeulen, Gerald Clark, Jesse Harris, On Target Indoor Shooting Range, LLC, Gaalswyk Enterprises, Inc. (doing business as Smokin' Barrel Firearms), Gun Owners of California, Inc., Gun Owners of America, Inc., Gun Owners Foundation, California Rifle & Pistol Association, Inc., and Second Amendment Foundation's (collectively, "Plaintiffs") application for issuance of a preliminary injunction. (Appl., Dkt. No. 11.) Defendants Gavin Newsom and Rob Bonta (collectively, "Defendants") opposed. (Opp'n, Dkt. No. 20.) Plaintiffs replied. (Reply, Dkt. No. 22.)

Defendants submitted supplemental briefing on the applicability of California Penal Code section 26806 to "kitchen table" and gun show firearm transactions. (Defendants' Suppl. Brief, Dkt. No. 26.) Plaintiffs responded. (Plaintiffs' Suppl. Brief, Dkt. No. 27.)

For the following reasons, the Court **DENIES** the application for preliminary injunction.

I. BACKGROUND

Before turning to the facts and statute at issue in this case, the Court first provides a brief overview of the preexisting regulatory scheme surrounding the transfer of firearms in California. The following comes from Plaintiffs' Complaint. (Compl., Dkt. No. 1.)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

Under federal law, the sale, manufacture, or importation of firearms requires a federal firearms license (“FFL”). (*Id.* ¶ 40.) To obtain an FFL, one must be at least twenty-one years of age and “not prohibited from owning or possessing firearms, not have willfully violated the federal Gun Control Act (“GCA”) or its regulations, not willfully failed to disclose material information or make any false statements on their application and have a premises for conducting business,” as well as certify compliance with state and local law. (*Id.* ¶¶ 40–41.)

California law, likewise, mandates that transfers of firearms be done through an FFL retailer. (*Id.* ¶ 39.) Prospective purchasers submit an application to the FFL, which electronically transfers purchaser information to the California Department of Justice (“CA DOJ”) for confirmation that the purchaser is not disqualified from doing so under state or federal law. (*Id.*) California law also requires a state-issued license to transfer firearms, which itself requires an FFL, regulatory or business license, state seller’s permit, a CA DOJ certificate of eligibility, listing on CA DOJ’s list of firearm dealers, and any applicable local business license for the sale of firearms. (*Id.* ¶ 42.) California cities and counties may impose additional licensing requirements. (*Id.* ¶ 43.)

Sales of firearms must be recorded in an acquisition and disposition logbook, or “bound book,” in accordance with federal law. (*Id.* ¶ 45.) Upon a transfer, both licensed dealer and purchaser must complete Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) Form 4473 to ensure eligibility and process a federal background check through the National Instant Criminal Background Check System (“NICS”), and the FFL dealer retains the form indefinitely. (*Id.* ¶ 47.) California is authorized to conduct background checks in lieu of NICS, instead collecting a Dealer Record of Sale (“DROS”) from FFL dealers electronically. (*Id.* ¶ 48.) Cities and counties may also impose additional recordkeeping requirements. (*Id.* ¶ 49.)

ATF officers are authorized to enter FFL dealers during business hours to inspect or examine records, documents, ammunition, and firearms. (*Id.* ¶ 50.) Such inspections may be done “every 12 months, during a reasonable inquiry, during a criminal investigation of a person or persons other than the FFL,” or as required to determine “the disposition of one or more firearms during a bona fide criminal investigation.” (*Id.*) California permits similar inspections by CA DOJ at least once every three years. (*Id.* ¶ 51.) Municipalities are authorized to adopt their own inspection programs in support of compliance with firearm regulations. (*Id.* ¶ 52.)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024Title Adam Richards et al. v. Gavin Newsom et al.

Senate Bill 1384 added section 26806 to the California Penal Code. (Id. ¶ 75.) Section 26806 states:

- (a) Commencing January 1, 2024, a licensee shall ensure that its business premises are monitored by a digital video surveillance system that meets all of the following requirements:
 - (1) The system shall clearly record images and, for systems located inside the premises, audio, of the area under surveillance.
 - (2) Each camera shall be permanently mounted in a fixed location. Cameras shall be placed in locations that allow the camera to clearly record activity occurring in all areas described in paragraph (3) and reasonably produce recordings that allow for the clear identification of any person.
 - (3) The areas recorded shall include, without limitation, all of the following:
 - (A) Interior views of all entries or exits to the premises.
 - (B) All areas where firearms are displayed.
 - (C) All points of sale, sufficient to identify the parties involved in the transaction.
 - (4) The system shall continuously record 24 hours per day at a frame rate no less than 15 frames per second.
 - (5) The media or device on which recordings are stored shall be secured in a manner to protect the recording from tampering, unauthorized access or use, or theft.
 - (6) Recordings shall be maintained for a minimum of one year.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

- (7) Recorded images shall clearly and accurately display the date and time.
- (8) The system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the system or storage device.
- (b) A licensee shall not use, share, allow access, or otherwise release recordings, to any person except as follows:
 - (1) A licensee shall allow access to the system to an agent of the department or a licensing authority conducting an inspection of the licensee's premises, for the purpose of inspecting the system for compliance with this section, and only if a warrant or court order would not generally be required for that access.
 - (2) A licensee shall allow access to the system or release recordings to any person pursuant to search warrant or other court order.
 - (3) A licensee may allow access to the system or release recordings to any person in response to an insurance claim or as part of the civil discovery process, including, but not limited to, in response to subpoenas, request for production or inspection, or other court order.
- (c) The licensee shall post a sign in a conspicuous place at each entrance to the premises that states in block letters not less than one inch in height:

“THESE PREMISES ARE UNDER VIDEO AND AUDIO SURVEILLANCE. YOUR IMAGE AND CONVERSATIONS MAY BE RECORDED.”
- (d) A licensee shall, on an annual basis, provide certification to the department, in a manner prescribed by the department, that its video surveillance system is in proper working order.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

- (e) This section does not preclude any local authority or local governing body from adopting or enforcing local laws or policies regarding video surveillance that do not contradict or conflict with the requirements of this section.

Cal. Penal Code § 26806 (West 2024).

On December 19, 2023, Plaintiffs filed their Complaint alleging five constitutional claims under 42 U.S.C. § 1983: (1) violation of the First Amendment right to free speech; (2) violation of the Fourteenth Amendment right to equal protection; (3) violation of the Second Amendment right to keep and bear arms; (4) violation of the Fifth Amendment right against government taking without just compensation; and (5) violation of the Fourth Amendment right to privacy.¹ (Compl. ¶¶ 447–96.) The Court denied Plaintiffs’ application for a temporary restraining order on December 27, 2023, and ordered Defendants to show cause as to why the Court should not grant Plaintiffs’ application for a preliminary injunction. (Dkt. No. 15.)

II. LEGAL STANDARD

On an application for a preliminary injunction, the plaintiff has the burden to establish that (1) the plaintiff is likely to succeed on the merits, (2) the plaintiff is likely to suffer irreparable harm if the preliminary relief is not granted, (3) the balance of equities favors the plaintiff, and (4) the injunction is in the public interest. Winter v. Natural Res. Def. Council, Inc., 555 U.S. 5, 20 (2008).

In the Ninth Circuit, the Winter factors may be evaluated on a sliding scale: “serious questions going to the merits, and a balance of hardships that tips sharply toward the plaintiff can support issuance of a preliminary injunction, so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest.” All. for the Wild Rockies v. Cottrell, 632 F.3d 1127, 1134–35 (9th Cir. 2011).

¹ The Court notes that Plaintiffs filed their 115-page Complaint over one year after the section 26806’s enactment and just thirteen days before the statute was set to go into effect on January 1, 2024.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

The plaintiff may meet this burden by “demonstrat[ing] either a combination of probable success on the merits and the possibility of irreparable injury or that serious questions are raised and the balance of hardships tips sharply in his favor.” Johnson v. Cal. State Bd. of Acct., 72 F.3d 1427, 1429 (9th Cir. 1995) (internal quotations and citation omitted). “To reach this sliding scale analysis, however, a moving party must, at an ‘irreducible minimum,’ demonstrate some chance of success on the merits.” Global Horizons, Inc. v. U.S. Dep’t of Labor, 510 F.3d 1054, 1058 (9th Cir. 2007) (citing Arcamuzi v. Cont’l Air Lines, Inc., 819 F.2d 935, 937 (9th Cir. 1987)).

III. DISCUSSION

A. Likelihood of Success on the Merits

1. First Amendment

Individuals have a right to be free from retaliation for engaging in protected First Amendment activity. Nieves v. Bartlett, 139 S. Ct. 1715, 1721 (2019). To state a First Amendment retaliation claim, a plaintiff must plausibly allege that (1) the plaintiff was engaged in a “constitutionally protected activity,” (2) the defendant’s actions would “chill a person of ordinary firmness from continuing to engage in the protected activity,” and (3) the protected activity was a “substantial or motivating factor”² in the defendant’s conduct.” Capp v. Cnty. of San Diego, 940 F.3d 1046, 1053 (9th Cir. 2019) (quoting O’Brien v. Welty, 818 F.3d 920, 932 (9th Cir. 2016)).

a. Recording

Plaintiffs argue that section 26806 violates their rights to free speech, assembly, and remain anonymous. (Mot. at 4–6.) Plaintiffs contend that section 26806 has a chilling effect on the likelihood that persons “will seek out Plaintiffs’ literature at gun

² Courts have described this element in various ways, but in essence, a plaintiff is required to establish a causal connection between “a defendant’s animus and a plaintiff’s injury.” Nieves v. Bartlett, 139 S. Ct. 1715, 1722 (2019). A plaintiff must “show that an official acted with a retaliatory motive” and that “the motive . . . cause[d] the injury.” Id. (emphasis omitted). At a minimum, the retaliatory intent must be a “but-for” cause, meaning that the defendant would not have taken the adverse action against the plaintiff “absent the retaliatory motive.” Id.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

stores, inquire about their activities, have discussions with association staff and trainers on pertinent issues, and sign up to become members” of the organizational Plaintiffs. (*Id.* at 4.) Plaintiffs assert that “such surveillance will discourage and undermine the free association of people for fear of government monitoring, publication, or retribution.” (*Id.*) Moreover, Plaintiffs allege viewpoint discrimination against pro-Second Amendment speakers by “target[ing] only stores engaged in the exercise of Second Amendment rights to possess and transfer firearms.” (*Id.* at 5 (quoting Compl. ¶ 161).)

Defendants respond that “section 26806 does not proscribe any association or speech, nor does it ‘chill or silence a person of ordinary firmness from future First Amendment activities.’” (Opp’n at 4 (quoting Mendocino Env’t Ctr. v. Mendocino Cnty., 192 F.3d 1283, 1300 (9th Cir. 1999)).) Instead, Defendants assert that the statute mandates digital surveillance recording systems and “imposes consequences upon dealers who fail to comply,” but “nothing about the law proscribes, regulates, or punishes any sort of speech or association or says anything about the content of the recordings themselves.” (*Id.*) Defendants also argue that Plaintiffs’ “‘fear of pervasive governmental monitoring’ is objectively unreasonable” because the statute permits only limited access to the surveillance recordings—such as pursuant to a warrant, court order, or license inspection—but otherwise forbids and provides remedies for their unlawful disclosure. (*Id.* at 5 (quoting Mot. at 5).) On viewpoint discrimination, Defendants argue that section 26806 “uniformly requires businesses in a particular, highly regulated industry to take specific safety measures” but does not turn on content or viewpoints expressed by those engaging in such business. (*Id.*) Moreover, Defendants argue that the statute “does not require anyone to disclose their protected group affiliation, beyond what is inherently disclosed by appearing in public and purchasing a firearm.” (*Id.* at 7.)

Where Plaintiffs’ claims falter on the likelihood of success is on the second prong of the First Amendment analysis. A plaintiff must show that a person of “ordinary firmness” would be deterred—or “chilled”—from further engaging in the protected activity. Capp, 940 F.3d at 1053. This is an objective inquiry. *Id.* An “unconstitutional chill” may “only exist if the government action has injured the individual or places the individual in immediate danger of sustaining a direct injury.” O’Keefe v. Van Boening, 82 F.3d 322, 325 (9th Cir. 1996). Threats of arrest have such chilling effect. See, e.g., Houston v. Hill, 482 U.S. 451, 459 n.7 (1987).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

Plaintiffs have failed to show an objective chill on protected speech. The statute’s audio and visual recording of an individual’s visit and potential purchase of a firearm from a dealer—which is only accessible by the government in narrowly circumscribed instances and does not impose any consequences for recorded speech—is no more chilling than the longstanding regulatory regime that mandates the tracking and sharing of dealer and purchaser information with government agencies. That is to say, the statute’s surveillance does not injure, threaten to injure, threaten to arrest, or threaten Plaintiffs with anything at all for their speech such that their First Amendment right to free speech could reasonably be chilled. Likewise, there are no consequences for assembly that would violate the right to free association. The only ramification that firearm dealers face under the statute is for failure to comply with the recording requirements, not for anything said on the recordings themselves. The statute also does not compel dealers and purchasers to have a conversation in view of the cameras. The transaction itself must be recorded, but this audio/visual capture is essentially an alternate manifestation of the recording process that is already injected into firearm transactions by a host of other background check and purchase-tracking regulations. See, e.g., Cal. Penal Code § 27515 (prohibiting the knowing transfer of a firearm to an individual who is not the purchaser or person loaned the firearm in violation of other regulations); id. § 27520(b) (prohibiting the acquisition of a firearm with the intent to transfer outside of the licensed dealer requirements). These regulations are specific to the firearms trade, and Plaintiffs fail to show that the extension of such regulations through section 26806 is a product of viewpoint discrimination. The fact that some dealers may choose to conduct the regulated activity of firearms sales in otherwise private spaces does not shut out the government from carrying out that regulation. Under section 26806, the government does not have persistent access to recordings and may only access them in limited circumstances. See Cal. Penal Code § 26806(b). Plaintiffs’ “fear of pervasive governmental monitoring” is unfounded, and any chill stemming from it is subjective.

b. Anonymity

Plaintiffs also argue that the statute “eviscerates Plaintiffs’ First Amendment rights to remain anonymous to government officials.” (Mot. at 6.) Defendants contend that Plaintiffs cite no authority to support the right to speak anonymously in public business discussions, particularly those in the highly regulated firearm industry that is already subject to identity verification and public disclosure. (Opp’n at 6.)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

Plaintiffs’ claim that section 28606 violates their “rights to remain anonymous to government officials” faces a perilous likelihood of success. To support their argument that the statute improperly deprives Plaintiffs of “anonymity when engaging in constitutionally protected commerce, speech, and association at California’s gun stores,” Plaintiffs cite a recent Second Circuit case involving the “compelled disclosure of pseudonymous social media handles to a licensing officer.” Antonyuk v. Chiumento, 2023 U.S. App. LEXIS 32492, at *112 (2d Cir. 2023). Not only are the facts not analogous to the instant case, the asserted right is not either: the court specifically considered the “right to pseudonymous speech on social media.” Id. The court in Antonyuk noted that “nearly all [social media] handles are pseudonymous” and evaluated historical analogues “conditioning lawful carriage of a firearm on disclosing one’s pseudonyms or, more generally, on informing the government about one’s history of speech.” Id.

Here, firearm transactions have long been conditioned on disclosing the identities of dealers and purchasers, and section 26806 simply records the video and audio of a transaction already subject to disclosure to the government. The anonymity Plaintiffs claim that section 26806 “eviscerate[d]” did not exist as a “constitutionally protected activity” before the statute’s enactment. To the extent that Plaintiffs complain of a lack of anonymity of speech made in front of cameras, Plaintiffs invite the disclosure by engaging in such speech during a public and regulated business transaction. Unlike Antonyuk, which implicated the sharing of individuals’ history of pseudonymous speech on social media, section 26806 cabins its recording of information to the firearm transactions themselves—transactions that, it bears repeating, are conducted as part of public business and shared with the government through other regulations. Antonyuk is simply too distinct to be persuasive.

c. Signage

Plaintiffs additionally argue that the statute’s requirement to display a warning that customers are under surveillance “impermissibly compels speech” and “discourag[es] them from ever entering the premises.” (Mot. at 6.) Defendants contend that the signage requirement does not violate the First Amendment as compelled speech because it “requires signage disclosing the purely factual information that surveillance is underway” and it is “reasonably related to the State’s interest in preventing deception of

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

consumers.” (Opp’n at 7 (quoting Zauderer v. Off. of Disciplinary Couns., 471 U.S. 626, 651 (1985)).)

The government does not violate the First Amendment by compelling commercial speech that is “purely factual and uncontroversial information” if it is “reasonably related to a substantial government interest.” CTIA - The Wireless Ass’n v. City of Berkeley, 928 F.3d 832, 844–45 (9th Cir. 2019) (quoting Zauderer, 471 U.S. at 651).

The case law does not portend success on Plaintiffs’ claim of compelled speech. In Zauderer, the Supreme Court permitted the Office of Disciplinary Counsel of the Supreme Court of Ohio (the agency responsible for the discipline of licensed attorneys in the state) to require that “an attorney advertising his availability on a contingent-fee basis disclose that clients will have to pay costs even if their lawsuits are unsuccessful.” 471 U.S. at 651. The Supreme Court drew a distinction between a state “prescrib[ing] what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein” and “requir[ing] that [a business] include in his advertising purely factual and uncontroversial information about the terms under which his services will be available.” Id. Despite “recogniz[ing] that unjustified or unduly burdensome disclosure requirements might offend the First Amendment by chilling protected commercial speech,” the Supreme Court held that “an advertiser’s rights are adequately protected as long as disclosure requirements are reasonably related to the State’s interest in preventing deception of consumers.” Id.

Here, section 26806(c) requires dealers to post a sign stating the following: “THESE PREMISES ARE UNDER VIDEO AND AUDIO SURVEILLANCE. YOUR IMAGE AND CONVERSATIONS MAY BE RECORDED.” The Supreme Court’s holding in Zauderer applies despite the factual distinctions between the regulation at issue that case, which compelled disclosure in advertisements of the fact that customers must pay costs, and section 28606, which compels disclosure in stores of the fact that customers are recorded. Here, California prohibits firearm dealers from not disclosing to customers a condition of the transaction—that it will be subject to video and audio recording.

The fact that a “purely factual statement . . . can be tied in some way to a controversial issue” does not make the statement controversial “for that reason alone.” CTIA, 928 F.3d at 845. In CTIA, the Ninth Circuit considered a Berkeley city ordinance

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

that “require[d] cell phone retailers to disclose information to prospective cell phone purchasers about what the FCC has concluded is appropriate use of the product they are about to buy.” *Id.* at 848. In National Institute of Family and Life Advocates v. Becerra, 138 S. Ct. 2361, 2372 (2018) (“NIFLA”), the Supreme Court held that the California requirement that clinics that did not provide abortion services must post a disclosure providing factual information about access to abortion, among other state-provided services, was controversial. “While factual, the compelled statement took sides in a heated political controversy, forcing the clinic to convey a message fundamentally at odds with its mission.” CTIA, 928 F.3d at 845 (citing NIFLA, 128 S. Ct. at 2372). Here, the disclosure to consumers that recording is in progress is both purely factual and uncontroversial. The required signage conveys only pure facts informing consumers that the premises are recorded by audio and video and that by entering, their “image and conversations may be recorded.” Unlike the disclosure in NIFLA, which “forc[ed] the clinic to convey a message fundamentally at odds with its mission,” section 26806 conveys no such message. Presumably, the firearm dealers’ mission is to deal firearms. Plaintiffs’ disagreement with section 26806 or its “tie[] in some way to a controversial issue,” if the regulation and surveillance of firearms trade can be construed as such, does not suffice for controversy. The required signage does not compel dealers to state, for instance, that they “agree and support section 26806.” The statute’s disclosure of recording does not compel speech “fundamentally at odds” with firearm dealers’ mission, at least to an extent that deems the content of the required signage controversial.

“There is no question that protecting the health and safety of consumers is a substantial government interest.” *Id.* at 845. Section 26806 is explicitly a public safety statute, as the legislative history makes clear. (Req. for Judicial Notice, Ex. A at 8, Ex. B at 6–7, Dkt. No. 20-1.) The statute seeks, in part, to prevent “straw” purchasers from circumventing other firearm transfer regulations such that firearms fall into the hands of those who may not lawfully possess them. (*Id.*) By recording dealers’ premises, the statute also seeks to record the identities of those who steal firearms. (*Id.*) In both instances, the audio and video footage can assist law enforcement in the prevention, identification, and prosecution of the perpetrators, a function reasonably related to protecting the health and safety of consumers.

Accordingly, Plaintiffs have not demonstrated a likelihood of success on the merits of their First Amendment claims that would warrant a preliminary injunction.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

2. Fourteenth Amendment

Plaintiffs argue that section 26806 violates the guarantee of equal protection under the Fourteenth Amendment because it “subjects only gun owners, prospective gun owners, and gun dealers” to a “selective surveillance regime” that amounts to “a viewpoint-discriminatory and/or animus-based restriction on Plaintiffs’ protected political and ideological speech that serves no compelling governmental interest.” (Mot. at 12 (quoting Compl. ¶ 457).)

Defendants respond that Plaintiffs “fail to ‘allege membership in a protected class’ because firearm dealers are not a suspect class.” (Opp’n at 19.) Defendants continue that Plaintiffs “cannot rely on a ‘class-of-one’ theory because ‘gun stores are materially different from other retail businesses.’” (*Id.* (quoting *Teixeira v. Cnty. of Alameda*, 822 F.3d 1047, 1053 (9th Cir. 2016)).) Moreover, Defendants contend that Plaintiffs’ animus theory is “premised entirely on conclusory allegations unsupported by any evidence.” (*Id.*)

To prevail on an equal protection claim, a plaintiff must “show that a class that is similarly situated has been treated disparately.” *Boardman v. Inslee*, 978 F.3d 1092, 1117 (9th Cir. 2020). If there is no suspect class at issue, differential treatment is presumed to be valid so long as it is “rationally related to a legitimate state interest.” *City of Cleburne v. Cleburne Living Cent.*, 473 U.S. 432, 440 (1985). Plaintiffs allege that the statute treats firearm dealers differently from other businesses, but they do not cite to any binding precedent to suggest that firearm dealers or anyone transferring firearms constitute a suspect class. In fact, it is not uncommon for highly regulated businesses, like banks, to be subject to such video surveillance regulations. *See, e.g.*, 12 C.F.R. § 326.3 (requiring federally insured banks to maintain video recording of banking office activity).

The Supreme Court has “recognized successful equal protection claims brought by a ‘class of one,’ where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment.” *Vill. of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000). To succeed on its “class of one” claim, Plaintiffs must demonstrate the Defendants “(1) intentionally (2) treated [Plaintiffs] differently than other similarly situated [persons or

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

businesses], (3) without a rational basis.” Gerhart v. Lake Cnty., 637 F.3d 1013, 1022 (9th Cir. 2011).

“Class-of-one plaintiffs ‘must show an extremely high degree of similarity between themselves and the persons to whom they compare themselves.’” Warkentine v. Soria, 152 F. Supp. 3d 1269, 1294 (E.D. Cal. 2016) (quoting Clubside, Inc. v. Valentin, 468 F.3d 144, 159 (2d Cir. 2006)). The Ninth Circuit has affirmed that standard. See SmileDirectClub, LLC v. Tippins, 31 F.4th 1110, 1123 (9th Cir. 2022) (“We join our sister circuits in holding that a class-of-one plaintiff must be similarly situated to the proposed comparator in all material respects.”). Plaintiffs make no showing to support a class-of-one. Accordingly, the Court applies rational basis review to Plaintiffs’ equal protection claim.

The rational basis review test is functionally the same under substantive due process and the Equal Protection Clause. See Gamble v. City of Escondido, 104 F.3d 300, 307 (9th Cir. 1997). Substantive due process only requires a rational relationship between the challenged policy and a legitimate governmental objective. See Brach v. Newsom, 6 F.4th 904, 924 (9th Cir. 2021). Under the Equal Protection Clause, if there is no suspect class at issue a policy “need only rationally further a legitimate state purpose to be valid.” Minn. State Bd. for Cmty. Colls. v. Knight, 465 U.S. 271, 291 (1984) (internal quotations omitted). “Given the standard of review, it should come as no surprise [courts] hardly ever strike[] down a policy as illegitimate under rational basis scrutiny.” Trump v. Hawaii, 138 S. Ct. 2392, 2420 (2018).

The two-tiered rational basis inquiry first asks whether the challenged law has a legitimate purpose, then whether the challenged law promotes that purpose. See Erotic Serv. Provider Legal Educ. & Rsch. Project v. Gascon, 880 F.3d 450, 457 (9th Cir. 2018). Defendants’ stated purpose of “requiring security systems is to ‘curb gun store theft and straw purchasing’ and to assist in ‘related enforcement efforts.’” (Opp’n at 20 (quoting Req. for Judicial Notice, Ex. A at 8).) Crime prevention is clearly a legitimate purpose.³ See United States v. Scott, 450 F.3d 863, 870 (9th Cir. 2006) (“[T]he

³ The legislative history spells out the crime prevention and response purposes of section 26806. Plaintiffs cite to the hearings of both the California Senate Committee on Public Safety and Assembly Committee on Public Safety. “Thefts from licensed gun retailers have been a persistent problem in California.” (Req. for Judicial Notice, Ex. A at 8.) “Another practice contributing to the illicit gun

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

government's interest in preventing crime by anyone is legitimate and compelling."). The legislature's references to crime statistics shows that it considered relevant data before deciding to implement the statute. (See Req. for Judicial Notice, Ex. A at 7.) Under rational basis review, courts "do not require that the government's action actually advance its stated purposes, but merely look to see whether the government *could* have had a legitimate reason for acting as it did." Wedges/Ledges of Cal., Inc. v. City of Phoenix, 24 F.3d 56, 66 (9th Cir. 1994).

Because the statute easily survives rational basis review, the Court finds that Plaintiffs have not shown that their Fourteenth Amendment claims are likely to succeed on the merits.

3. Second Amendment

Plaintiffs argue that section 26806 "undoubtedly regulates Second Amendment-protected persons, arms, and activities," and they are entitled to injunctive relief unless Defendants show "a Founding-era tradition of similar firearm-related government mass surveillance." (Mot. at 7.) Plaintiffs assert that there is no "distinctly similar historical regulation" as "the Founders could not have addressed California's modern concerns with mass audiovisual surveillance" unless they "requir[ed] every gunsmith to employ a sketch artist . . . and a reporter to write down conversations." (*Id.* at 9 (citing N.Y. State Rifle & Pistol Ass'n v. Bruen, 597 U.S. 1, 26 (2022)).) Plaintiffs contend that the statute infringes on the Second Amendment by "conditioning the exercise of the right to acquire (and sell) firearms on the acceptance of pervasive surveillance and monitoring." (*Id.* at 8.) The result, according to Plaintiffs, is that "such surveillance undoubtedly 'will chill the purchase of firearms in California.'" (*Id.* (quoting Compl. ¶ 212).)

Defendants respond that under Bruen's first step of "whether the 'proposed course of conduct' falls within the Second Amendment," or "whether the regulation at issue prevents any 'people' from 'keep[ing]' or 'bear[ing]' 'Arms' for lawful purposes,"

market is 'straw purchasing,' the illegal purchase of a firearm by one person for another." (*Id.*) "[P]roving these crimes in court can be a challenge, as prosecutors must show evidence connecting the straw purchaser and person for whom they are purchasing the gun. . . . By imposing stricter security and training requirements on California gun dealers and their employees, this bill ostensibly seeks to curb gun store theft and straw purchasing, and buttress related enforcement efforts." (*Id.* at 7–8.)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

section 26806 “is a presumptively lawful regulation on the commercial sale of arms, an activity outside the scope of the Second Amendment’s text as originally understood.” (Opp’n at 8–9 (first quoting United States v. Alaniz, 69 F.4th 1124, 1128 (9th Cir. 2023); then quoting Bruen, 597 U.S. at 34; and then quoting U.S. Const. amend. II).) Defendants contend that Plaintiffs’ arguments impermissibly broaden Bruen’s first step analysis to “whether the challenged law has any tangential effect on anything to do with firearms.” (Opp’n at 10.) On the contrary, Defendants assert that the Ninth Circuit has held that, under the Second Amendment, “there is no ‘independent right to sell or trade weapons’ and that ‘[n]othing in the specific language of the Amendment suggests that sellers fall within the scope of its protection.’” (Id. at 11 (quoting Teixeira v. Cnty. of Alameda, 873 F.3d 670, 683 (9th Cir. 2017) (en banc)).) Defendants make a similar contention in response to Plaintiffs’ assertion that the statute is cost-prohibitive and would drive dealers out of business, arguing both that the sale of arms is not implicated by the Second Amendment and it is “speculative and devoid of evidence” that firearm supply would be thus “meaningfully constrained.” (Id. at 11.) Further, Defendants dispute Plaintiffs’ importation of the doctrine of chilling First Amendment rights into the Second Amendment context as unsupported by case law. (Id. at 12–13.) Defendants argue that there is no evidence that section 26806 would “chill . . . a person of ordinary firmness from future [Second] Amendment activities.” (Id. at 13 (quoting Mendocino Env’t Ctr., 192 F.3d at 1300).) Concerning Bruen’s second, history-and-tradition analysis, Defendants argue that section 26806 is subject to a “nuanced approach” in that it “fits squarely within the well-established tradition of regulating the commercial sale of firearms,” citing examples of firearm and ammunition sales regulations in Massachusetts, Maryland, South Carolina, Michigan, and Ohio between 1780 and 1835. (Id. at 14–15.) Defendants assert that states have likewise enacted laws collecting the information of firearm sellers and buyers—from the Virginia Colony’s recording of firearms and ammunition in 1631 and 1651 to Illinois’s recordkeeping and registration of deadly weapons in 1881. (Id. at 16.)

In Bruen, the Supreme Court clarified the test for Second Amendment claims set forth in District of Columbia v. Heller, 554 U.S. 570 (2008). 597 U.S. at 20.

When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation. Only then may a court conclude that

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

the individual's conduct falls outside the Second Amendment's "unqualified command."

Id. at 24 (quoting Konigsberg v. State Bar of Cal., 366 U.S. 36, 50 (1961)). The first step, then, is a "'textual analysis' focused on the 'normal and ordinary' meaning of the Second Amendment's language," particularly the operative clause "the right of the people to keep and bear Arms shall not be infringed." Id. at 20 (quoting Heller, 554 U.S. at 576–77, 578).

Notwithstanding Bruen, the Second Amendment's protections are not so expansive as to foreclose regulation of the transfer of firearms, either textually or historically. The full Ninth Circuit concluded that no plain reading of "keep" or "bear" may encompass the transfer, sale, or purchase of firearms in the scope of the Second Amendment as originally understood. Teixeira, 873 F.3d at 683 ("Nothing in the text of the Amendment, as interpreted authoritatively in Heller, suggests the Second Amendment confers an independent right to sell or trade weapons.") Regardless of how dealers and purchasers may feel about appearing in recorded footage, the audio and video recording of transfers of firearms does not affirmatively prevent participants in such transactions from keeping or bearing arms.⁴ On the first step alone, Defendants' claim does not have a likelihood of success on the merits to support a preliminary injunction, but the Court nevertheless proceeds to the second.

To survive the second step in the Second Amendment analysis, a regulation must be "part of the historical tradition that delimits the outer bounds of the right to keep and bear arms." Bruen, 597 U.S. at 19. As the Supreme Court did in Heller and Bruen, courts survey history with broad scope, from "analogous arms-bearing rights in state constitutions that preceded and immediately followed adoption of the Second amendment" to "how the Second Amendment was interpreted from immediately after its ratification through the end of the 19th century." Id. at 20 (citing Heller, 554 U.S. at 600–01, 605 (internal citations omitted)). What constitutes a sufficient historical

⁴ Moreover, at least one of the dealer Plaintiffs has a security system, (Gaalswyk Decl. ¶ 13, Dkt. No. 11-1), and given the nature of any business with high-value inventory, it is likely that others do as well. The privacy implications and other constitutional considerations do not vary with cost of the system. To the extent that Plaintiffs argue that the recording requirement is so cost prohibitive as to result in a downstream violation of the Second Amendment, the argument is unavailing.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

analogue, though, “is neither a regulatory straightjacket nor a regulatory blank check.” Id. at 30. “[A]nalogical reasoning requires only that the government identify a well-established and representative historical *analogue*, not a historical *twin*. So even if a modern-day regulation is not a dead ringer for historical precursors, it still may be analogous enough to pass constitutional muster.” Id.

Historical analogues abound. As the Ninth Circuit noted in Teixeira, “colonial governments substantially controlled the firearms trade. The government provided and stored guns, controlled the conditions of trade, and financially supported private firearms manufacturers.” 873 F.3d at 685 (citing Solomon K. Smith, Firearms Manufacturing, Gun Use, and the Emergence of Gun Culture in Early North America, 49th Parallel, Vol. 34, at 6–8, 18–19 (2014)). Defendants cite numerous state laws, most of which were enacted in the nineteenth century, that “required the taking of information from firearm sellers and buyers” or “required commercial dealers to take safety and security measures as well as permit inspection by government authorities.” (Opp’n at 15–16.) For example, Defendants point to an 1820 New Hampshire law regarding government inspections of gunpowder, 1820 N.H. Laws 274–76, Ch. 25, §§ 1–9, and an 1847 Vermont law providing for fire-wardens to inspect the manufacture and storage of firearms, 1865 Vt. Acts & Resolves 213, ch. 141, § 10. State recordkeeping of firearm transactions also dates back to the early nineteenth century, from Massachusetts and Maine early in the century and Illinois following Reconstruction. (Opp’n at 16 (citing 1814 Mass. Acts 464, ch. 192, § 2; 1821 Laws of the State of Maine 685–86, vol. 2, § 3; 1881 Ill. Laws 73–74, § 3).)

What Defendants do not cite, however, are historical analogues of laws whose purpose was to document the appearance and sound of firearm transfers. Plaintiffs note that such a regulation would have been practically impossible at the time of the nation’s founding, but this is a point in favor of Defendants, not Plaintiffs. The Supreme Court in Heller, and in Bruen by reference, acknowledged that contemporary regulatory circumstances may not always have perfect counterparts—the aforementioned “historical twins”—but nevertheless may be permissible under the history and tradition analysis. As the Supreme Court in Bruen wrote, “we acknowledge that ‘applying constitutional principles to novel modern conditions can be difficult and leave close questions at the margins.’” Bruen, 597 U.S. at 31 (quoting Heller v. District of Columbia, 670 F.3d 1244, 1275 (D.C. Cir. 2011) (Kavanaugh, J., dissenting)). At this preliminary injunction stage, even a cursory review of a handful of state laws dating back to the colonies reveals

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

a dim likelihood of Plaintiffs' success on the merits. The tradition of government inspection and disclosure of firearms trade supports a conclusion that section 26806 comports with that history in compliance with the Second Amendment's protections

Accordingly, Plaintiffs have not demonstrated a likelihood of success on the merits of their Second Amendment claims that would warrant a preliminary injunction.

4. Fourth Amendment

Plaintiffs first argue that section 26806 violates the Fourth Amendment as a general warrant in that "it grants blanket authority to search all locations associated with a disfavored trade, it operates without expiration, it fails to impose any accountability on government actors via a neutral judicial officer, and it authorizes perpetual intrusions into homes and businesses." (Mot. at 10.) Second, Plaintiffs argue that the statute constitutes a trespassory invasion of private property because it "mandates a physical intrusion on and occupation of Plaintiffs' private property via the installation and perpetual use of audiovisual recording equipment." (*Id.* at 11.) Third, Plaintiffs argue that section 26806 violates their reasonable expectation of privacy under Katz v. United States, 389 U.S. 347 (1967), because it "plac[es] surveillance cameras inside homes and businesses on a perpetual, 24/7 basis." (*Id.* at 11.) Plaintiffs also dispute the validity of the "highly regulated industry" exception to the Fourth Amendment as applied to firearm dealers. (*Id.* at 12.)

Defendants respond that it is binding precedent that "firearms dealers are a closely regulated industry subject to extensive federal and state regulations and licensing schemes." (Opp'n at 17.) Defendants assert that those regulations include "obtain[ing] personal information from potential purchasers for recording and background-check purposes" and "submit[ing] to inspections from federal and state authorities, the warrantless nature of which has been upheld as constitutional." (*Id.* at 18.) Defendants argue that "the highly regulated firearms industry" has "little reasonable expectation of privacy" and thus the statute "does not effectuate a 'search' within the meaning of the Fourth Amendment." (*Id.* at 18.) Defendants contend that section 26806 does not resemble a "standardless general warrant" because it "defin[es] the circumstances where recording is required and when recordings can be accessed," which are "circumstances the Fourth Amendment already permits: either with a warrant or other court order, or because a warrant is not necessary or an exception applies." (*Id.* at 19.)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

The Fourth Amendment’s presumption that warrantless searches are unreasonable is subject to the administrative use or special needs exceptions, within which is the justification of warrantless searches of “closely regulated businesses for specified purposes.” Verdun v. City of San Diego, 51 F.4th 1033, 1039 (9th Cir. 2022); Whalen v. McMullen, 907 F.3d 1139, 1151 (9th Cir. 2018) (applying the administrative search exception to “inspections of regulated businesses”). Defendants list over twenty statutes subjecting firearm dealers to licensing, sales, information sharing, and inspection requirements. (Opp’n at 17–18). The significant regulatory framework surrounding the sales of firearms leads to the reasonable conclusion that such dealers are closely regulated businesses that have at least a diminished expectation of privacy under the Fourth Amendment. Indeed, “[w]hen a dealer chooses to engage in this pervasively regulated business . . . he does so with the knowledge that his business records, firearms, and ammunition will be subject to effective inspection.” United States v. Biswell, 406 U.S. 311, 316 (1972). As such, Plaintiffs have not demonstrated a likelihood of success on the merits of their Fourth Amendment claim that would support a preliminary injunction.

5. California Constitution

Plaintiffs argue that section 26806 violates the right to privacy under Article I, Section 1 of the California Constitution. (Mot. at 13.) Defendants respond that “under the Eleventh Amendment, federal courts lack jurisdiction to enjoin state institutions and state officials on the basis of state law.” (Opp’n at 19–20 (citing Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 124–25 (1984); Doe v. Regents of the Univ. of Cal., 891 F.3d 1147, 1153 (9th Cir. 2018)).) The Court agrees. The Eleventh Amendment speaks clearly on its ban of the very remedy Plaintiffs seek: “The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.” Plaintiffs’ claim under the California Constitution has no likelihood of success on the merits to support a preliminary injunction.

6. Applicability to Specific Contexts

Following oral argument, the Court requested that the parties submit supplemental briefs on the applicability of section 26806 to two contexts mentioned in Plaintiffs’ Complaint: (1) “kitchen table” firearm transactions (or those firearm sales conducted in

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

private homes), and (2) gun show transactions. In their supplemental brief, Defendants set forth that they “do not interpret section 26806 to apply to gun shows, and thus will not further address that issue here.” (Defendants’ Suppl. Brief at 1.) Accordingly, the Court does the same.⁵

Plaintiffs’ Complaint may be interpreted as both a facial and as-applied challenge of the statute. To the extent that it is an as-applied challenge, the Court considers the supplemental briefs as they pertain to the context of kitchen table firearm transactions.

Defendants argue that section 26806 applies to home-based dealers because, “[l]ike all regulations on licensed firearms dealers,” “premises” under California’s statutory scheme “is tied to ‘the building designated in the license’” without any exemption for the home. (*Id.* (quoting Cal. Pen. Code § 16810).) Defendants assert that operation of a firearms dealership business in a home “does not diminish the risk of unlawful transactions or the benefit of surveillance as a law enforcement tool.” (*Id.* at 2.) Defendants compare the firearm industry to other highly regulated industries that are subject to in-home regulation and surveillance. (*Id.* 2–3.) Defendants contend that the law’s effect would not be different as applied to home-based dealers versus storefronts with regard to Plaintiffs’ First, Second, and Fourth Amendment claims. (*Id.* at 4–7.)

Plaintiffs argue that the home is subject to heightened interests in First, Second, and Fourth Amendment protections, regardless of whether home firearm dealers operate in a closely regulated industry. (Plaintiffs’ Suppl. Brief at 1.) Plaintiffs assert that regulations of other, “less-constitutionally protected” home-based businesses are subject to restrictions such as surveillance only when open for business, rather than the “round-the-clock audiovisual surveillance” of section 26806. (*Id.*) Plaintiffs also argue that the statute chills First Amendment rights by “indirectly alter[ing] lawful behavior.” (*Id.* at 3.) Plaintiffs assert that a host of private conversations “unnecessarily sweep[] within [the statute’s] ambit.” (*Id.*) Plaintiffs argue that a constitutional injury occurs when a home-based dealer must avoid parts of the home or leave it in order to have a private conversation. (*Id.* at 4.) Plaintiffs contend that the circumstances under which recordings may be accessed under section 26806 include “by the public via civil

⁵ For the purposes of enforcement, Defendants’ statement regarding section 26806’s inapplicability to gun shows operates as judicial estoppel precluding enforcement of the statute at gun shows henceforth.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

subpoena for matters having nothing to do with investigating crimes.” (*Id.* at 5.) Moreover, Plaintiffs assert that over half of dealers in the United States are located at residential addresses. (*Id.* at 6.)

“[C]lassifying a lawsuit as facial or as-applied affects the extent to which the invalidity of the challenged law must be demonstrated and the corresponding ‘breadth of the remedy,’ but it does not speak at all to the substantive rule of law necessary to establish a constitutional violation.” *Bucklew v. Precythe*, 139 S. Ct. 1112, 1127 (2019) (quoting *Citizens United v. FEC*, 558 U.S. 310, 331 (2010)). The arguments Plaintiffs direct toward the home-based dealers do not present a greater likelihood of success than the facial challenge addressed *supra*, and the same reasoning applies. There are no consequences for things said or done in the home in recordings so as to result in a chill of First Amendment rights. Enforcement of section 26806 as applied to kitchen table transfers does not pose any greater a threat to one’s exercise of Second Amendment rights than that of storefronts because it concerns audio and video recording of transfers rather than an impairment of “keeping and bearing arms.” The close regulation of firearm transactions applies to home-based dealers just as they do storefronts so as to diminish the likelihood of success on a Fourth Amendment claim as applied to the home context.

Not only do Plaintiffs’ claims not show a likelihood of success on the merits as applied to the context of kitchen table firearm transactions, but were the Court to rule that firearm transactions conducted in the home are not subject to enforcement of section 26806, it would eviscerate the public safety goals of the statute by exempting a very large number of dealers from regulation. (*See* Req. for Judicial Notice, Ex. A at 8, Ex. B at 6–7.) The minimal intrusion of surveillance of gun transactions in specified areas and limited access to the recordings is offset by the need for public protection. Plaintiffs’ assertion that over half of dealers in the United States are located at residential addresses does not address the makeup of dealers in California—the only dealers affected by the state statute. Still, a large number of home-based dealers cuts against Plaintiffs’ argument. To exempt the home from enforcement of section 26806’s surveillance provision would leave a substantial portion of dealers unregulated.

Plaintiffs pay particular attention to the circumstances of attorneys conducting kitchen table firearm transactions and the risks surveillance poses to confidentiality. But attorneys do not operate in a bubble insulated from possible intrusions on the attorney-

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

client relationship. For example, their communications with clients are not protected from surveillance everywhere they go. If an attorney and client choose to go somewhere unprotected, such as a public space or private business subject to surveillance, they risk losing the confidentiality of any communications held there. “[W]here the client communicates with his attorney in the presence of other persons who have no interest in the matter, . . . he is held to have waived the privilege.” People v. Rhoades, 8 Cal. 5th 393, 410 (2019) (quoting D.I. Chadbourne, Inc. v. Superior Ct. of City & Cnty. of San Francisco, 60 Cal. 2d 723, 735 (1964)). Just as an attorney and client who speak loudly in a public space in the presence of others opens the door to waiving confidentiality, attorneys risk doing the same by conducting closely regulated business in the same space as their legal work. As such, attorneys cannot do an end-run around regulation by conducting their legal work any place otherwise subject to statutorily mandated surveillance.

Accordingly, Plaintiffs have not demonstrated a likelihood of success on the merits of their constitutional claims that would warrant a preliminary injunction as applied to kitchen table firearm transactions.

B. Other Winter Factors

“Likelihood of success on the merits is the most important factor; if a movant fails to meet this threshold inquiry, we need not consider the other factors.” Teddy’s Red Tacos Corp. v. Vazquez, No. 19-3432, 2019 U.S. Dist. LEXIS 219537, at *9 (C.D. Cal. Oct. 10, 2019) (quoting California v. Azar, 911 F.3d 558, 575 (9th Cir. 2018) (internal quotation marks omitted)). Nevertheless, Plaintiffs’ application for a preliminary injunction fails on the separate and independent grounds of irreparable harm and balance of equities. Plaintiffs make no showing of irreparable harm. As discussed above, Plaintiffs have not made a sufficient showing of a likelihood of success on the merits that their constitutional rights have been violated, so they cannot rest their claim of irreparable harm on a deprivation of rights theory alone. (See Mot. at 16.) Plaintiffs also argue, “[n]o doubt, Section 26806 *will* chill (and violate outright) Plaintiffs’ First and Second Amendment rights.” (Id. (emphasis added).) At this point, the harm Plaintiffs allege is purely speculative and does not support a preliminary injunction. The balance of the equities and public interest also tip in favor of Defendants and the denial of a preliminary injunction. The crime prevention and safety concerns at the center of section 26806, namely the combating of unlawful transfers of firearms to those not permitted to

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 8:23-cv-02413-JVS-KES Date March 1, 2024

Title Adam Richards et al. v. Gavin Newsom et al.

possess them, would be impermissibly constrained if the statute were enjoined, and Plaintiffs have not shown an actual or imminent harm that would support an injunction.

Accordingly, Plaintiffs have not demonstrated an irreparable harm or balance of equities that would warrant a preliminary injunction.

IV. CONCLUSION

For the foregoing reasons, the Court **DENIES** the application for preliminary injunction.

IT IS SO ORDERED.

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

**DECLARATION OF TIFFANY D.
 CHEUVRONT 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 TIFFANY D. CHEUVRONT

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5
6

7
8
9

10
11
12
13
14

15
16
17
18
19
20
21
22

24

19

27

28

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

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 TIFFANY D. CHEUVRONT 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.

CERTIFICATE OF SERVICE

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

2 Executed December 21, 2023.

3 
4 Laura Palmerin

5
6
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

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

DECLARATION OF SAMUEL A. PAREDES 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 SAMUEL A. PAREDES

DECLARATION OF SAMUEL A. PAREDES

1
2 1. I, Samuel A. Paredes, am the Executive Director of the Gun Owners of
3 California (GOC), a plaintiff in the above-entitled action. I make this declaration of
4 my own personal knowledge, and, if called as a witness, I could and would testify
5 competently to the truth of the matters set forth herein.

6 2. I am a U.S. citizen and resident of California.

7 3. GOC is a California non-stock corporation with its principal place of
8 business in El Dorado County California. GOC is organized and operated as a non-
9 profit membership organization that is exempt from federal income taxes under
10 section 501(c)(4) of the U.S. Internal Revenue Code. GOC was formed in 1975 to
11 preserve and defend the Second Amendment rights of gun owners. GOC has
12 thousands of members and supporters across the state, including firearm dealers.
13 Many of GOC's members and supporters are being and will be irreparably harmed
14 by the implementation of SB 1384, which is being wielded as a political weapon
15 making it financially impossible for many firearms dealers to implement the required
16 video, audio and recording surveillance equipment required to comply with the
17 statute, and which will cause many to go out of business entirely, and will thereby
18 restrict law-abiding Californians' access to constitutionally protected firearms that
19 can only be purchased in California through a federal firearm licensee (FFL).

20 4. In my capacity as Executive Director of GOC, I oversee staff that are
21 in daily contact with members and supporters regarding their concerns, questions,
22 requests, and suggestions on how GOC can best represent their interests.

23 5. Since the passage of SB 1384, an overwhelming concern of our
24 members and supporters, which include licensed California gun dealers, has been
25 that this seemingly vindictive statute would cause gun stores across the state to
26 close down if they cannot afford the type of equipment and technology required to
27 comply with the mandate for 24/7 audio and video recording within their place of
28 business, including the private homes of dealers who operate out of their private

1 residence.

2 6. Additionally, some of GOC's members and supporters similarly will
3 be subjected to and harmed by the requirement that gun dealers record, with
4 sophisticated and expensive audio and video equipment, all activities and
5 conversations within licensed dealer's premises, whether a big box store, ordinary
6 gun store, or home-based firearms business.

7 7. Our members desire and overwhelmingly support GOC's involvement
8 in litigation to protect the rights are being unconstitutionally infringed by SB 1384.

9 8. GOC itself also will be harmed directly by SB1384. GOC has
10 volunteers (called Field Agents) who distribute our organization's literature,
11 including fliers, newsletters, and membership applications, to hundreds of gun
12 stores across California. The dealers typically are thankful to receive the material
13 because patrons frequently visit their stores not only to purchase firearms, but also
14 to discuss firearms related issues. The GOC materials thus provide a convenient
15 way for gun stores to engage with and provide relevant literature to inquiring
16 customers. Often times, this leads to discussion about Second Amendment issues,
17 and to new GOC members joining the organization based on materials obtained
18 from their local gun store. Many GOC members report having initially obtained
19 information about GOC from their local gun store.

20 9. I am concerned that GOC's mission will be harmed by SB 1384.
21 Because many of our new members sign up while visiting California's gun stores,
22 SB 1384's requirement that their every action and word be recorded and handed
23 over to the government for review will chill these prospective members as they seek
24 out educational and other materials related to the Second Amendment and GOC.
25 With California's anti-gun executive branch looking over their shoulder, these
26 prospective members will be less likely to seek out GOC materials, engage in First
27 Amendment discussions about our activities, and sign up for GOC membership.
28 This will lead to GOC having fewer members, and receiving lesser donations, than

1 without SB 1384, and thus affecting our ability to perform our mission to secure
2 and protect the right to keep and bear arms.

3 10. As noted above, GOC represents the interests of many dealers and
4 their customers across the state who are affected by SB 1384's audio and video
5 surveillance requirements. For instance, in addition to big box stores and traditional
6 brick-and-mortar gun stores, other firearm licenses are held by gas stations, law
7 offices, and other types of businesses that also happen to maintain a federal firearm
8 license to sell firearms.

9 11. GOC has heard from multiple members who say that they do not wish
10 to be audio and video recorded when exercising their enumerated constitutional
11 right to keep and bear arms. These members explained that, in addition to
12 purchasing constitutionally protected arms, they visit and patronize California gun
13 dealers to discuss various politics and legal issues, including California's tyrannical
14 anti-gun laws, and to meet other like-minded individuals to discuss Second
15 Amendment activities, firearms, and associated topics.

16 12. However, when learning that all conversations and interactions at the
17 gun counter will be audio and video recorded, this individual stated that SB 1384
18 will chill their speech and association, and that they would self-censor and no
19 longer exercise their rights to the same extent as before, under California's prying
20 eyes.

21 13. These members also explained that they feel as though SB 1384
22 targets them and treats them like a criminal simply for exercising protected Second
23 Amendment rights, and that, out of fear of the government, they no longer would
24 speak freely at these gun stores because they will now be recorded.

25 14. Some of GOC's members and supporters are home-based firearm
26 dealers, and do not wish to have their homes under constant 24/7 government
27 surveillance simply for conducting business, from time to time, from home.

28 15. GOC has heard from members who reported they conduct business at

1 their kitchen table, including completing and maintaining paperwork, and when
2 filling out the required forms to conduct firearms transactions with customers, as
3 their home is their licensed premises for firearm purchase purposes.

4 16. These members do not want to 1) install video and audio recording
5 devices, mandated by the State; 2) to exercise constitutionally protected rights
6 under the prying eye of the government; 3) be required to pay for these recording
7 devices; 4) be forced to put up signage around their home informing visitors that
8 they are being recorded, and 5) be subjected, in their own home, to 24/7
9 government surveillance.

10 17. These dealers expressed outrage that SB 1384 requires them to record
11 inside their home on a continual basis, even on days and at times when they do not
12 conduct any business, as they only have specific hours during which they conduct
13 firearms transactions.

14 18. These FFLS are afraid that their businesses may have to be shut down
15 because 1) they are unwilling to record all goings on within their own home at all
16 times of the day and night, no matter what they are doing, and not only within their
17 kitchen but also at all entrances and exits of their home (and perhaps other places),
18 and 2) they likely cannot afford the expensive equipment to record audio and video
19 all day, every day.

20 19. Some of these members have no intent to comply with SB 1384, as
21 they flatly refuse to install the government's mandated surveillance equipment
22 within their own home.

23 20. Protection of the constitutional rights advanced in this litigation is
24 germane to GOC's mission, which includes the effort to preserve and protect the
25 Second Amendment and the rights of Americans to keep and bear arms, including
26 against overreach by the legislative and executive branch of California government
27 and anti-gun bureaucrats. GOC routinely litigates cases in California on behalf of
28 its members and supporters and is capable of fully and faithfully representing the

1 interests of its members and supporters without participation by each of the
2 individuals and entities.

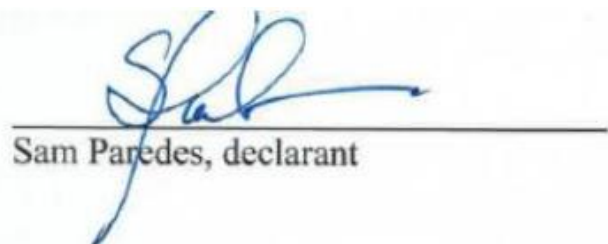
3 21. The magnitude and scope of the harms alleged above to GOC's
4 members and supporters, while already real, concrete, and irreparable, are still yet
5 to be fully realized, as implementation of SB 1384 will occur on January 1, 2024,
6 when the video and audio surveillance requirements go into effect.

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

16 23. If SB 1384's 24/7 video and audio recording requirement is not
17 enjoined now, our members' and supporters' constitutional rights will be
18 significantly curtailed, and GOC, as an organization, will be impeded in fulfilling
19 its mission.

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

22
23
24
25
26
27
28



Sam Paredes, 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 SAMUEL A. PAREDES 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.

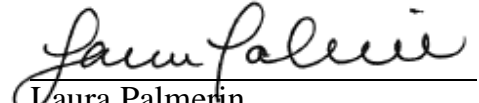
John D. Echeverria
Deputy Attorney General
john.echeverria@doj.ca.gov
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004

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

CERTIFICATE OF SERVICE

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

Executed December 21, 2023.


Laura Palmerin

CERTIFICATE OF SERVICE

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

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

DECLARATION OF ROBERT GAALSWYK

1
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.

25
26 ///

27 ///

28 ///

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

3
4 
5 Robert Gaalswyk
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
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.

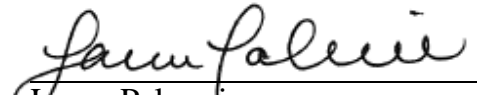
John D. Echeverria
Deputy Attorney General
john.echeverria@doj.ca.gov
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004

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

CERTIFICATE OF SERVICE

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

Executed December 21, 2023.


Laura Palmerin

CERTIFICATE OF SERVICE

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

DECLARATION OF RICHARD MINNICH 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 RICHARD MINNICH

DECLARATION OF RICHARD MINNICH

1
2 1. I, Richard Minnich, am the Treasurer of the California Rifle & Pistol
3 Association, Incorporated (CRPA), a plaintiff in the above-entitled action. I make
4 this declaration of my own personal knowledge, and, if called as a witness, I could
5 and would testify competently to the truth of the matters set forth herein.

6 2. CRPA is a non-profit membership organization classified under
7 section 501(c)(4) of the Internal Revenue Code and incorporated under the laws of
8 California, with its headquarters in Fullerton, California.

9 3. Founded in 1875, CRPA seeks to defend the Second Amendment and
10 advance laws that protect the rights of individual citizens. CRPA works to preserve
11 the constitutional and statutory rights of gun ownership, including the rights to self-
12 defense, the right to hunt, and the right to keep and bear arms. CRPA is also
13 dedicated to promoting the shooting sports, providing education, training, and
14 organized competition for adult and junior shooters. CRPA works to defeat anti-
15 Second Amendment and hunting legislation and defend against unconstitutional
16 laws in court. CRPA's members include law enforcement officers, prosecutors,
17 professionals, firearm experts, FFLs, attorneys, gun owners, and members of the
18 general public. CRPA accomplishes these goals through educational offerings,
19 publications, member engagement, legislative advocacy, and litigation.

20 4. CRPA has approximately 500 business affiliates that we work with
21 across the state. Many of these business affiliate members are Federal Firearm
22 Licensees.

23 5. CRPA Business Affiliate members have reached out to CRPA through
24 emails and phone calls, expressing concern over what SB 1384 would do to their
25 businesses and customers. SB 1384 is cost prohibitive to many FFL members and
26 would put them out of business, many do not want intrusive recording in their
27 homes and shops, and others are concerned that customers will be kept away by the
28 violation of their privacy.

1 6. CRPA will also be harmed directly. CRPA has field representatives
2 who enter the business affiliate premises to conduct business, update the business
3 affiliates on news and information, distribute literature, and discuss important
4 political and legal challenges in the state. These CRPA materials and discussions
5 that explain what is happening legislatively, politically, and legally in the state are a
6 convenient way for FFLs to in turn provide that information to their customers.
7 Many CRPA members make the decision to sign up as members while in a gun
8 shop or at a gun show so they can continue receiving this type of information. SB
9 1384 may chill their desire to join a group like CRPA if they know the anti-gun
10 government is monitoring that activity. This will affect CRPAs ability to perform
11 our mission, associate with gun owners looking for information, and protect Second
12 Amendment rights in California.

13 7. CRPA trainers, members, FFLs, and class participants would have
14 their constitutional rights violated under SB 1384 (Section 26806) because their
15 private discussions and actions would be recorded, some of which have nothing to
16 do with the purchase of a firearm.

17 8. CRPA has tens of thousands of members and supporters, many of
18 whom, like myself, frequent gun stores and gun shows to engage in lawful
19 purchases, expressive activities with like-minded people, including discussions
20 related to firearms, ammunition, accessories, the shooting sports, politics, and the
21 Second Amendment.

22 9. Because SB 1384 would force the recording of many of these private
23 conversations, CRPA members may be deterred from entering the FFL
24 establishments to conduct these constitutionally protected activities. They would
25 also have to choose between allowing some rights to be violated in order to exercise
26 other rights.

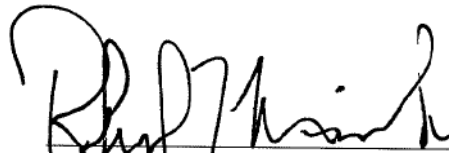
27 10. Under SB 1384, CRPA members who are FFLs would be forced by the
28 government to purchase expensive monitoring equipment, record all activities 24

1 hours per day, and record the activities of their customers who may not consent to
2 being recorded, thus opening them up to potential liability for violating customer
3 privacy.

4 11. If SB 1384's recording provisions are allowed to stay in place,
5 CRPA's members' and supporters' constitutional rights will be violated and CRPA
6 will be prevented from carrying out its full mission because of the ever-present
7 government surveillance scheme found in SB 1384.

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Richard Minnich
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 RICHARD MINNICH 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.

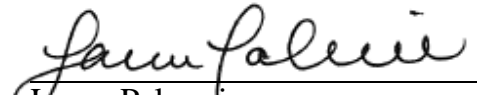
John D. Echeverria
Deputy Attorney General
john.echeverria@doj.ca.gov
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004

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

CERTIFICATE OF SERVICE

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

2 Executed December 21, 2023.

3 
4 Laura Palmerin

5
6
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

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

**DECLARATION OF JESSE HARRIS
 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 JESSE HARRIS

DECLARATION OF JESSE HARRIS

1
2 1. I, Jesse Harris, am a plaintiff in the above-entitled action. I make this
3 declaration of my own personal knowledge and, if called as a witness, I could and
4 would testify competently to the truth of the matters set forth herein.

5 2. I am a current resident of Siskiyou County, California.

6 3. Before the passage of SB 1384, I regularly attended gun shows and
7 frequented gun shops on behalf of California Rifle & Pistol Association and as a
8 field representative.

9 4. I am a certified firearms instructor and work as an FFL in a tire and
10 tackle shop where I lease space from the owner.

11 5. In these roles, it is important for me to be able to have personal
12 conversations with students, members, customers, and other FFLs regarding their
13 safety, security, and why being a gun owner is important to them. I also discuss
14 issues affecting gun owners in California, like pending litigation and legislation,
15 and how groups like CRPA are working to protect their rights. My being able to
16 visit these locations and speak to gun owners allows valuable opportunities to
17 educate gun owners and to learn from others while engaging in political speech.

18 6. As an instructor, it is imperative that I share my knowledge about
19 current law, potential laws that are being considered, and what groups are doing to
20 stop more gun control against lawful citizens that will not stop crime in the state.
21 Many times, these conversations happen one-on-one with students.

22 7. I also enjoy attending gun shows and pro-Second Amendment events
23 because these events offer me a unique opportunity to engage with like-minded
24 people to explore and discuss the lawful uses of firearms, including self-defense,
25 hunting, target shooting, safety training, gunsmithing, and general appreciation of
26 our Second Amendment rights. I also discuss politics, being a gun owner in
27 California, gun safety, and political actions against lawful gun ownership in
28 California with other attendees and volunteers.

1 8. SB 1384 would chill the speech of gun owners that I meet in the gun
2 shops, on ranges, and in gun shows because they will be fearful of saying or doing
3 the wrong things instead of being open to asking about issues. They will be less
4 likely to congregate in such spaces or even come to training classes because of
5 constant monitoring by the government.

6 9. I speak with customers in the shop where I lease space, and the owner
7 of the shop speaks with his own customers as well as his legal counsel while in the
8 shop.

9 10. Under SB 1384, both my conversations regarding firearms and the
10 private conversations of the owner of the shop with customers who have nothing to
11 do with purchasing a firearm would be recorded all the same.

12 11. SB 1384 would negatively impact my business by driving away
13 customers who do not want to have their personal and confidential conversations
14 with me recorded. The recording of customers in the shop who are not purchasing a
15 firearm may also cause the shop owner to lose customers and create tension for my
16 lease agreement and business.

17 12. SB 1384 poses financial difficulties for me because I am a small one-
18 man shop with limited transfers and because I do not own the space where my FFL
19 is located. The lease does not allow me to transform the entire shop (outside of my
20 lease space, which would be required) into a recorded area for the DOJ. The cost
21 alone would ruin my business and would prevent me from continuing as an FFL.


22 13. If this court were to enjoin SB 1384 enforcement, I would resume my
23 activities along with other gun owners and FFLs who conduct lawful and highly
24 regulated businesses.

25
26 ///

27 ///

28 ///

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

3
4 
5 Jesse Harris
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
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 JESSE HARRIS 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.

CERTIFICATE OF SERVICE

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

2 Executed December 21, 2023.

3 
4 Laura Palmerin

5
6
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

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

**DECLARATION OF JEFFREY
 VANDERMEULEN 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 JEFFREY VANDERMEULEN

DECLARATION OF JEFFREY VANDERMEULEN

1
2 1. I, Jeffrey Vandermeulen, am a plaintiff in the above-entitled action. I
3 make this declaration of my own personal knowledge and if called as a witness, I
4 could and would testify competently to the truth of the matters set forth herein.

5 2. I am a current resident of Amador County, California.

6 3. I am a retired police officer and FFL. I operate a retail sales firearms
7 business and e-sales firearms business out of my home. The name of my FFL
8 business is MountainHouse Firearms.

9 4. MountainHouse Firearms is a locally owned small business
10 specializing in the sale of new and use consignment handguns, rifles, shotguns, and
11 accessories.

12 5. I also operate a small aerial ash dispersal business out of my home.

13 6. Through operating my many businesses, I often have private
14 conversations with customers about firearm ownership, family firearm collections,
15 and customers wishing to have the ashes of their loved ones scattered.

16 7. SB 1384 would force me to record all of these transactions regardless
17 of whether they are about the sale of firearms or not. My customers would find this
18 very offensive to have the DOJ listening in on all of their private conversations that
19 they have in confidence with me. Customers will not seek out my services and I
20 fear having to close down my business.

21 8. SB 1384 requires me to post signage on my private residence alerting
22 anyone (customer or friend) who enters my property that they will be recorded. I do
23 not feel comfortable posting this kind of sign on my private property.

24 9. SB 1384 will require me to purchase expensive equipment to comply
25 and pay for the storage of the recordings for one year. The requirements are not for
26 a simple home alarm system, they are for a commercial grade system with specific
27 requirements that are very costly to me as a small business owner.

28 10. I am afraid of additional liability for being sued by someone who

1 misses the posted sign or does not give their consent to be recorded. SB 1384 seems
2 to put me in a bad position where I could be sued by those people over privacy
3 rights.

4 11. Many of my transactions are done on the computer with people outside
5 of California through my e-sales. I am unclear if SB 1384 would force me to point a
6 camera at that screen directly or not. If that is a requirement (because e-sales are
7 transactions) the recording then captures all of those customers' private details on
8 the screen on video. Additionally, those customers have not consented to recording
9 by the DOJ. This will destroy my online business as well.

10 12. As a direct result of SB 1384 being fully implemented, I may be force
11 to give up my business due to the cost to my business and the disapproval of my
12 customers over being recorded.

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

14 Executed within the United States on December 21, 2023.

15
16
17
18
19
20
21
22
23
24
25
26
27
28



Jeffrey Vandermeulen
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 JEFFREY VANDERMEULEN 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.

CERTIFICATE OF SERVICE

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

2 Executed December 21, 2023.

3 
4 Laura Palmerin

5
6
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

1 C. D. Michel – SBN 144258
 2 Tiffany D. Cheuvront – SBN 317144
 3 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 4 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

5 Attorneys for Plaintiffs Adam Richards, Jeffrey Vandermeulen, Gerald Clark, Jesse
 6 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 Donald Kilmer – SBN 179986
 9 Law Offices of Don Kilmer, APC
 14085 Silver Ridge Rd.
 10 Caldwell, Idaho 83607
 Telephone: (408) 264-8489
Don@DKLawOffice.com

11 Attorney for Plaintiff Second Amendment Foundation

12 **UNITED STATES DISTRICT COURT**
 13
 14 **CENTRAL DISTRICT OF CALIFORNIA**

15 ADAM RICHARDS, an individual;
 16 JEFFREY VANDERMEULEN, an
 individual; GERALD CLARK, an
 17 individual; JESSE HARRIS, an
 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 GREGG L.
 BOUSLOG 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 GREGG L. BOUSLOG

DECLARATION OF GREGG L. BOUSLOG

1
2 1. I, Gregg L. Bouslog, represent plaintiff On Target Indoor Shooting
3 Range, LLC in the above-entitled action. I make this declaration of my own
4 personal knowledge and if called as a witness, I could and would testify
5 competently to the truth of the matters set forth herein.

6 2. I am the Manager and Principle for On Target Indoor Shooting Range,
7 LLC ("On Target") in Orange County, CA. I oversee the day to day activity of the
8 facility including firearms sales, transfers, the shooting range activity, and training.

9 3. On Target is a brick-and-mortar shop and indoor range.

10 4. On Target specializes in firearms sales (in store and e-sales), firearms
11 transfers, ammunition sales, and training classes.

12 5. As an FFL, On Target has conversations with customers that are
13 confidential in nature regarding their needs to protect themselves and keep them
14 and others safe. We also discuss the types of firearms that are good for their needs
15 and the laws that they must follow as well as pending laws that the state is trying to
16 pass against lawful gun owners.

17 6. On Target supports groups like CRPA and encourages and speaks to
18 customers about why it is so important to join these groups to fight for their rights
19 as gun owners in a state that is constantly trying to restrict their basic constitutional
20 rights.

21 7. On Target offers many training courses for new gun owners and is
22 specifically geared towards making women feel confident in the use of their
23 firearm.

24 8. Twice a month On Target hosts discussion sessions with gun owners to
25 talk about topics that are important to them in a safe and informative environment.
26 Should SB 1384 be implemented, these training groups and discussion groups will
27 be completely recorded by the DOJ. This would stifle the entire purpose of open
28 conversation and many would stop attending.

1 9. The recording of these sessions would make gun owners less likely to
2 ask questions and speak openly for fear of the anti-Second Amendment government
3 watching and listening to them.

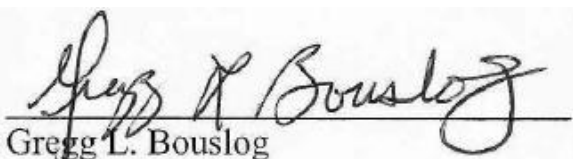
4 10. On Target is also concerned about the additional liability of audio
5 recording these confidential conversations without the other persons giving their
6 consent. This opens On Target up to liability for future legal action that we would
7 not have absent SB 1384.

8 11. Beyond driving the customers and students away, SB 1384 will impact
9 On Target financially by forcing them to purchase costly commercial recording
10 equipment that is beyond what is necessary for security of the store. Additional
11 equipment, audio recording, space to store the recordings and wiring of the space
12 are all a huge financial burden.

13 12. If SB 1384 is fully implemented, On Target will see reduced number
14 of gun owners coming to safety classes, reduced number of gun owners willing to
15 have open and honest conversations about their firearm and the laws surrounding
16 their possession and use, and will be greatly impacted by the financial cost this bill
17 would mandate on businesses like On Target.

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

20
21
22
23
24
25
26
27
28



Gregg L. Bouslog
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 GREGG L. BOUSLOG 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.

CERTIFICATE OF SERVICE

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

2 Executed December 21, 2023.

3 
4 Laura Palmerin

5
6
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

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

**DECLARATION OF GERALD
 CLARK 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 GERALD CLARK

DECLARATION OF GERALD CLARK

1
2 1. I, Gerald Clark, am a plaintiff in the above-entitled action. I make this
3 declaration of my own personal knowledge and, if called as a witness, I could and
4 would testify competently to the truth of the matters set forth herein.

5 2. I am a current resident of Orange County, California.

6 3. Before the passage of SB 1384, I regularly attended gun shows,
7 frequented gun shops, and instructed gun safety courses in these facilities and at
8 ranges all across the state on behalf of the California Rifle & Pistol Association and
9 the state of California Hunters' Education Program.

10 4. I am an instructor and work as a volunteer offering training to scouting
11 groups and gun owners across the state. In these roles, it is important for me to to
12 be able to have personal conversations with students, members, parents, and FFLs
13 regarding their safety, security, and why their being a gun owner is important to
14 them. I also discuss issues affecting gun owners in California like pending litigation
15 and legislation and how groups like CRPA, GOC, SAF, GOA, GOF, and 2ALC are
16 working to protect their rights. My being able to visit these locations and speak to
17 gun owners allows valuable opportunities to educate gun owners and to learn from
18 others while engaging in political speech.

19 5. As an instructor, it is imperative that I share my knowledge about
20 current law, potential laws that are being considered, and what groups are doing to
21 stop more gun control against lawful citizens that will not stop crime in the state.

22 6. I also enjoy attending gun shows because these events offer me a
23 unique opportunity to engage with like-minded people to explore and discuss the
24 lawful uses of firearms, including self-defense, hunting, target shooting, safety
25 training, gunsmithing, and general appreciation of our Second Amendment rights. I
26 also discuss politics, being a gun owner in California, gun safety, and political
27 actions against lawful gun ownership in California with other attendees and
28 volunteers.

1 7. I also visit gun shows and gun shops to purchase firearms and
2 ammunition, parts for firearms, and materials to help with my training as a gun
3 owner to be more proficient. As a purchaser of such products, I do not want to have
4 my speech stifled because I know that the government is tracking my every word. I
5 want to have open and honest conversations with the FFL about my specific needs
6 at a gun owner. I think being recorded under SB 1384 would severely limit those
7 conversations and chill my First Amendment rights.

8 8. I think that SB 1384 would also chill the speech of my students, gun
9 owners that I meet in the gun shops, on ranges, and in gun shows because they will
10 be fearful of saying or doing the wrong things instead of being open to ask about
11 issues. They will be less likely to congregate in such spaces or even come to
12 training classes because of constant monitoring by the government like they are
13 citizen of China instead of citizens of America with constitutional rights.

14 9. Even when I am not in the market to purchase a firearm or
15 ammunition, being able to speak to the vendors and FFLs about new products and
16 pending laws is important to me as an instructor and a gun owner.

17 10. SB 1384 will diminish my right to engage in otherwise lawful speech,
18 it will violate my right to have private conversations by recording me and others
19 without our consent, and it will limit the type of interactions gun owners are willing
20 to have while being spied upon by the government.

21 11. If this court were to enjoin SB 1384 enforcement, I would resume my
22 activities along with other gun owners and FFLs who conduct lawful and highly
23 regulated businesses.

24
25 ///

26 ///

27 ///

28 ///

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

3
4
5 s/ Gerald Clark

6 Gerald Clark

7 Declarant
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 GERALD CLARK 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.

CERTIFICATE OF SERVICE

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

2 Executed December 21, 2023.

3 
4 Laura Palmerin

5
6
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

1 C. D. Michel – SBN 144258
 2 Tiffany D. Cheuvront – SBN 317144
 3 MICHEL & ASSOCIATES, P.C.
 4 180 E. Ocean Blvd., Suite 200
 5 Long Beach, CA 90802
 6 Telephone: (562) 216-4444
 7 Facsimile: (562) 216-4445
 8 cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

**DECLARATION OF ERICH M.
 PRATT 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 ERICH M. PRATT

DECLARATION OF ERICH M. PRATT

1
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.

6
7 I declare under penalty of perjury that the foregoing is true and correct.
8 Executed within the United States on December 21, 2023.

9
10 

11 Erich M. Pratt
12 Declarant
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 ERICH PRATT 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.

CERTIFICATE OF SERVICE

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

2 Executed December 21, 2023.

3 
4 Laura Palmerin

5
6
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

1 C. D. Michel – SBN 144258
 2 Tiffany D. Cheuvront – SBN 317144
 3 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 4 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

5 Attorneys for Plaintiffs Adam Richards, Jeffrey Vandermeulen, Gerald Clark, Jesse
 6 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 Donald Kilmer – SBN 179986
 9 Law Offices of Don Kilmer, APC
 14085 Silver Ridge Rd.
 10 Caldwell, Idaho 83607
 Telephone: (408) 264-8489
Don@DKLawOffice.com

11 Attorney for Plaintiff Second Amendment Foundation

12 **UNITED STATES DISTRICT COURT**
 13
 14 **CENTRAL DISTRICT OF CALIFORNIA**

15 ADAM RICHARDS, an individual;
 16 JEFFREY VANDERMEULEN, an
 individual; GERALD CLARK, an
 17 individual; JESSE HARRIS, an
 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 ALAN
 GOTTLIEB 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 ALAN GOTTLIEB

DECLARATION OF ALAN GOTTLIEB

1
2 1. I, Alan Gottlieb, am the Executive Vice President and founder of Plaintiff
3 Second Amendment Foundation (“SAF”), a plaintiff in the above-entitled action. I
4 make this declaration of my own personal knowledge, and, if called as a witness, I
5 could and would testify competently to the truth of the matters set forth herein.

6 2. SAF is a non-profit membership and donor-supported organization classified
7 under IRC section 501(c)(4) and incorporated under the laws of the state of
8 Washinton with its headquarters in Bellevue, Washington.

9 3. SAF has over 720,000 members that we work with across the nation, with
10 many in California. Many of these members are Federal Firearm Licensees and gun
11 owners who frequent gun shops, gun shows, and private FFL establishments.

12 4. SAF’s members include law enforcement officers, prosecutors, professionals,
13 firearm experts, FFLs, attorneys, gun owners, and members of the general public.
14 SAF accomplishes these goals through educational offerings, publications, member
15 engagement, legislative advocacy, and litigation.

16 5. SAF seeks to defend the Second Amendment, promote a better understanding
17 of our constitutional heritage to own and possess firearms privately, and advance
18 laws that protect the rights of individual citizens. SAF works to preserve the
19 constitutional and statutory rights of gun ownership, including the rights to self-
20 defense, the right to hunt, and the right to keep and bear arms. SAF works to defeat
21 anti-Second Amendment legislation and defend against unconstitutional laws in
22 court.

23 6. SAF also strives to educate the public about gun control issues. SAF is a
24 pioneer and innovator in the defense of the right to keep and bear arms through its
25 publications and education programs like the Gun Rights Policy Conference.

26 7. SAF expends a significant amount of money sponsoring public interest
27 litigation to defend its own interests and the interests of its members and supporters.

28 8. It is crucial to the success of SAF that its promotional materials, publications,

1 and messages are communicated to people of the “gun culture,” who are the very
2 people who frequent gun shops, gun shows, and FFL establishments. It is also
3 crucial that SAF be able to freely communicate with people in gun shops, attending
4 gun shows, and with individual FFLs regarding their rights, the gun control
5 movement’s agenda and tactics, and the need to understand their rights. These
6 conversations are many times one-on-one, but even if they are not one-on-one
7 conversations, people in shops picking up information about political speech and
8 making a decision to support pro-Second Amendment groups like SAF while the
9 government is recording them is cringeworthy, to say the least.

10 9. SB 1384 would capture and collect each and every word and action of
11 someone engaged in lawful political speech and association, even if they never
12 purchase a firearm at the counter. Because of the vile intrusions by SB 1384, many
13 gun owners will not go to gun shops or gun shows and will never have these very
14 important conversations.

15 10.SAF members have reached out to SAF, expressing concern over what SB
16 1384 would do to their businesses and customers. SB 1384 is cost-prohibitive to
17 many FFL members and would put them out of business; many do not want
18 intrusive recording in their homes and shops, and others are concerned that
19 customers will be kept away by the violation of their privacy.


20 11.SAF will also be harmed directly through the implementation of SB 1384.
21 These SAF materials and discussions that explain what is happening legislatively,
22 politically, and legally in the state are a convenient way for FFLs to in turn provide
23 that information to their customers. Many SAF members make the decision to sign
24 up as members while in a gun shop or at a gun show so they can continue receiving
25 this type of information. SB 1384 may chill their desire to join a group like SAF if
26 they know the anti-gun government is monitoring that activity. This will affect
27 SAF’s ability to perform our mission, associate with gun owners looking for
28 information, and protect Second Amendment rights in California.

1 establishments to conduct these constitutionally protected activities. They would
2 also have to choose between allowing some rights to be violated to exercise other
3 rights.

4 13. Under SB 1384, SAF members who are FFLs would be forced by the
5 government to purchase expensive monitoring equipment, record all activities 24
6 hours per day, and record the activities of their customers who may not consent to
7 be recorded, thus opening them up to potential liability for violating customer
8 privacy.

9 14. If SB 1384's recording provisions are allowed to stay in place, SAF's
10 members' and supporters' constitutional rights will be violated, and SAF will be
11 prevented from carrying out its full mission because of the ever-present government
12 surveillance scheme found in SB 1384.

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

15
16 

17 ALAN GOTTLIEB
18 Declarant
19
20
21
22
23
24
25
26
27
28

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 ALAN GOTTLIEB 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.

CERTIFICATE OF SERVICE

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

2 Executed December 21, 2023.

3 
4 Laura Palmerin

5
6
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

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

**DECLARATION OF ADAM
 RICHARDS 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 ADAM RICHARDS

DECLARATION OF ADAM RICHARDS

1
2 1. I, Adam Richards, am a plaintiff in the above-entitled action. I make
3 this declaration of my own personal knowledge and if called as a witness, I could
4 and would testify competently to the truth of the matters set forth herein.

5 2. I am a current resident of El Dorado County, California.

6 3. I am a home-based FFL and an attorney. I work out of my home doing
7 legal work approximately 50% of the time.

8 4. In my home office, I conduct legal work and operate my FFL business.

9 5. I was forced to become a home-based FFL because the City of
10 Sacramento (where his law office is located) made the permitting process for
11 becoming an established commercial FFL so expensive that I could not afford to
12 have the FFL license in the same place as my main law office. Rather than waste
13 money on permitting with the city, I decided to open my FFL business in my home.

14 6. I have a separate structure at my home, which houses my home office.

15 7. The work I do for my legal practice includes telephone calls with
16 clients, opposing counsel, law enforcement, and others. These are often attorney-
17 client privileged conversations, and they are always private and not intended for
18 others to hear.

19 8. While working on legal matters in my home office, I may also have
20 confidential client files open and documents spread out that could be picked up on a
21 recording device that would be located in that space. This would be a breach of
22 client confidentiality.

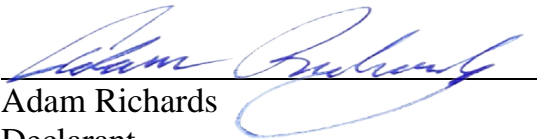
23 9. I also have a family with younger children. Many times, my children
24 will come to see me in the home office before school or before bed in the evenings.
25 As younger children, they can sometimes be partially dressed when they visit. I
26 could not imagine exposing my children in their most intimate times with a parent
27 to government recording.

28 10. Should AB 1384 be implemented, Mr. Richards will be forced to

1 include highly intrusive recording devices into my home and home office, alert all
2 of my clients, family, friends, neighbors, etc., that they are being recorded, and
3 then hope that I do not get sued for recording someone without consent.

4 11. If this court were to enjoin SB 1384 enforcement, I would resume my
5 activities along with other gun owners and FFLs who conduct lawful and highly
6 regulated businesses.

7
8 I declare under penalty of perjury that the foregoing is true and correct.
9 Executed within the United States on December 21, 2023.

10
11
12 
13 Adam Richards
14 Declarant
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 ADAM RICHARDS 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.

CERTIFICATE OF SERVICE

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

2 Executed December 21, 2023.

3 
4 Laura Palmerin

5
6
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

1 C. D. Michel – SBN 144258
 2 Tiffany D. Cheuvront – SBN 317144
 3 MICHEL & ASSOCIATES, P.C.
 4 180 E. Ocean Blvd., Suite 200
 5 Long Beach, CA 90802
 6 Telephone: (562) 216-4444
 7 Facsimile: (562) 216-4445
 8 cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413

**DECLARATION OF SAMUEL A.
 PAREDES IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 TEMPORARY RESTRAINING
 ORDER AND ISSUANCE OF
 PRELIMINARY INJUNCTION**

Hearing Date: TBD
 Hearing Time: TBD
 Courtroom: TBD
 Judge: TBD

DECLARATION OF SAMUEL A. PAREDES

DECLARATION OF SAMUEL A. PAREDES

1
2 1. I, Samuel A. Paredes, am the Executive Director of the Gun Owners of
3 California (GOC), a plaintiff in the above-entitled action. I make this declaration of
4 my own personal knowledge, and, if called as a witness, I could and would testify
5 competently to the truth of the matters set forth herein.

6 2. I am a U.S. citizen and resident of California.

7 3. GOC is a California non-stock corporation with its principal place of
8 business in El Dorado County California. GOC is organized and operated as a non-
9 profit membership organization that is exempt from federal income taxes under
10 section 501(c)(4) of the U.S. Internal Revenue Code. GOC was formed in 1975 to
11 preserve and defend the Second Amendment rights of gun owners. GOC has
12 thousands of members and supporters across the state, including firearm dealers.
13 Many of GOC's members and supporters are being and will be irreparably harmed
14 by the implementation of SB 1384, which is being wielded as a political weapon
15 making it financially impossible for many firearms dealers to implement the required
16 video, audio and recording surveillance equipment required to comply with the
17 statute, and which will cause many to go out of business entirely, and will thereby
18 restrict law-abiding Californians' access to constitutionally protected firearms that
19 can only be purchased in California through a federal firearm licensee (FFL).

20 4. In my capacity as Executive Director of GOC, I oversee staff that are
21 in daily contact with members and supporters regarding their concerns, questions,
22 requests, and suggestions on how GOC can best represent their interests.

23 5. Since the passage of SB 1384, an overwhelming concern of our
24 members and supporters, which include licensed California gun dealers, has been
25 that this seemingly vindictive statute would cause gun stores across the state to
26 close down if they cannot afford the type of equipment and technology required to
27 comply with the mandate for 24/7 audio and video recording within their place of
28 business, including the private homes of dealers who operate out of their private

1 residence.

2 6. Additionally, some of GOC's members and supporters similarly will
3 be subjected to and harmed by the requirement that gun dealers record, with
4 sophisticated and expensive audio and video equipment, all activities and
5 conversations within licensed dealer's premises, whether a big box store, ordinary
6 gun store, or home-based firearms business.

7 7. Our members desire and overwhelmingly support GOC's involvement
8 in litigation to protect the rights are being unconstitutionally infringed by SB 1384.

9 8. GOC itself also will be harmed directly by SB1384. GOC has
10 volunteers (called Field Agents) who distribute our organization's literature,
11 including fliers, newsletters, and membership applications, to hundreds of gun
12 stores across California. The dealers typically are thankful to receive the material
13 because patrons frequently visit their stores not only to purchase firearms, but also
14 to discuss firearms related issues. The GOC materials thus provide a convenient
15 way for gun stores to engage with and provide relevant literature to inquiring
16 customers. Often times, this leads to discussion about Second Amendment issues,
17 and to new GOC members joining the organization based on materials obtained
18 from their local gun store. Many GOC members report having initially obtained
19 information about GOC from their local gun store.

20 9. I am concerned that GOC's mission will be harmed by SB 1384.
21 Because many of our new members sign up while visiting California's gun stores,
22 SB 1384's requirement that their every action and word be recorded and handed
23 over to the government for review will chill these prospective members as they seek
24 out educational and other materials related to the Second Amendment and GOC.
25 With California's anti-gun executive branch looking over their shoulder, these
26 prospective members will be less likely to seek out GOC materials, engage in First
27 Amendment discussions about our activities, and sign up for GOC membership.
28 This will lead to GOC having fewer members, and receiving lesser donations, than

1 without SB 1384, and thus affecting our ability to perform our mission to secure
2 and protect the right to keep and bear arms.

3 10. As noted above, GOC represents the interests of many dealers and
4 their customers across the state who are affected by SB 1384's audio and video
5 surveillance requirements. For instance, in addition to big box stores and traditional
6 brick-and-mortar gun stores, other firearm licenses are held by gas stations, law
7 offices, and other types of businesses that also happen to maintain a federal firearm
8 license to sell firearms.

9 11. GOC has heard from multiple members who say that they do not wish
10 to be audio and video recorded when exercising their enumerated constitutional
11 right to keep and bear arms. These members explained that, in addition to
12 purchasing constitutionally protected arms, they visit and patronize California gun
13 dealers to discuss various politics and legal issues, including California's tyrannical
14 anti-gun laws, and to meet other like-minded individuals to discuss Second
15 Amendment activities, firearms, and associated topics.

16 12. However, when learning that all conversations and interactions at the
17 gun counter will be audio and video recorded, this individual stated that SB 1384
18 will chill their speech and association, and that they would self-censor and no
19 longer exercise their rights to the same extent as before, under California's prying
20 eyes.

21 13. These members also explained that they feel as though SB 1384
22 targets them and treats them like a criminal simply for exercising protected Second
23 Amendment rights, and that, out of fear of the government, they no longer would
24 speak freely at these gun stores because they will now be recorded.

25 14. Some of GOC's members and supporters are home-based firearm
26 dealers, and do not wish to have their homes under constant 24/7 government
27 surveillance simply for conducting business, from time to time, from home.

28 15. GOC has heard from members who reported they conduct business at

1 their kitchen table, including completing and maintaining paperwork, and when
2 filling out the required forms to conduct firearms transactions with customers, as
3 their home is their licensed premises for firearm purchase purposes.

4 16. These members do not want to 1) install video and audio recording
5 devices, mandated by the State; 2) to exercise constitutionally protected rights
6 under the prying eye of the government; 3) be required to pay for these recording
7 devices; 4) be forced to put up signage around their home informing visitors that
8 they are being recorded, and 5) be subjected, in their own home, to 24/7
9 government surveillance.

10 17. These dealers expressed outrage that SB 1384 requires them to record
11 inside their home on a continual basis, even on days and at times when they do not
12 conduct any business, as they only have specific hours during which they conduct
13 firearms transactions.

14 18. These FFLS are afraid that their businesses may have to be shut down
15 because 1) they are unwilling to record all goings on within their own home at all
16 times of the day and night, no matter what they are doing, and not only within their
17 kitchen but also at all entrances and exits of their home (and perhaps other places),
18 and 2) they likely cannot afford the expensive equipment to record audio and video
19 all day, every day.

20 19. Some of these members have no intent to comply with SB 1384, as
21 they flatly refuse to install the government's mandated surveillance equipment
22 within their own home.

23 20. Protection of the constitutional rights advanced in this litigation is
24 germane to GOC's mission, which includes the effort to preserve and protect the
25 Second Amendment and the rights of Americans to keep and bear arms, including
26 against overreach by the legislative and executive branch of California government
27 and anti-gun bureaucrats. GOC routinely litigates cases in California on behalf of
28 its members and supporters and is capable of fully and faithfully representing the

1 interests of its members and supporters without participation by each of the
2 individuals and entities.

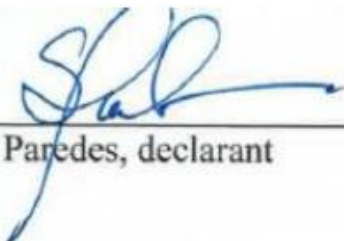
3 21. The magnitude and scope of the harms alleged above to GOC's
4 members and supporters, while already real, concrete, and irreparable, are still yet
5 to be fully realized, as implementation of SB 1384 will occur on January 1, 2024,
6 when the video and audio surveillance requirements go into effect.

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

16 23. If SB 1384's 24/7 video and audio recording requirement is not
17 enjoined now, our members' and supporters' constitutional rights will be
18 significantly curtailed, and GOC, as an organization, will be impeded in fulfilling
19 its mission.

20 I declare under penalty of perjury that the foregoing is true and correct.
21 Executed within the United States on December 20, 2023.

22
23
24
25
26
27
28



Sam Paredes, 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

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 SAMUEL A. PAREDES IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND
ISSUANCE OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

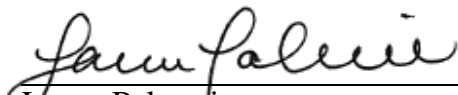
Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

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.

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

Executed December 20, 2023.



Laura Palmerin

CERTIFICATE OF SERVICE

1 C. D. Michel – SBN 144258
 2 Tiffany D. Cheuvront – SBN 317144
 3 MICHEL & ASSOCIATES, P.C.
 4 180 E. Ocean Blvd., Suite 200
 5 Long Beach, CA 90802
 6 Telephone: (562) 216-4444
 7 Facsimile: (562) 216-4445
 8 cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413

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

Hearing Date: TBD
 Hearing Time: TBD
 Courtroom: TBD
 Judge: TBD

DECLARATION OF ROBERT GAALSWYK

DECLARATION OF ROBERT GAALSWYK

1
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.

25
26 ///

27 ///

28 ///

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

2 Executed within the United States on 12 - 19, 2023.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

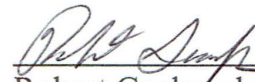
24

25

26

27

28



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

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' MOTION FOR TEMPORARY RESTRAINING ORDER AND
ISSUANCE OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

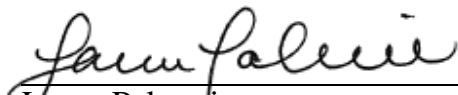
Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

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.

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

Executed December 20, 2023.


Laura Palmerin

CERTIFICATE OF SERVICE

1 C. D. Michel – SBN 144258
 2 Tiffany D. Cheuvront – SBN 317144
 3 MICHEL & ASSOCIATES, P.C.
 4 180 E. Ocean Blvd., Suite 200
 5 Long Beach, CA 90802
 6 Telephone: (562) 216-4444
 7 Facsimile: (562) 216-4445
 8 cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413

**DECLARATION OF RICHARD
 MINNICH IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 TEMPORARY RESTRAINING
 ORDER AND ISSUANCE OF
 PRELIMINARY INJUNCTION**

Hearing Date: TBD
 Hearing Time: TBD
 Courtroom: TBD
 Judge: TBD

DECLARATION OF RICHARD MINNICH

DECLARATION OF RICHARD MINNICH

1
2 1. I, Richard Minnich, am the Treasurer of the California Rifle & Pistol
3 Association, Incorporated (CRPA), a plaintiff in the above-entitled action. I make
4 this declaration of my own personal knowledge, and, if called as a witness, I could
5 and would testify competently to the truth of the matters set forth herein.

6 2. CRPA is a non-profit membership organization classified under
7 section 501(c)(4) of the Internal Revenue Code and incorporated under the laws of
8 California, with its headquarters in Fullerton, California.

9 3. Founded in 1875, CRPA seeks to defend the Second Amendment and
10 advance laws that protect the rights of individual citizens. CRPA works to preserve
11 the constitutional and statutory rights of gun ownership, including the rights to self-
12 defense, the right to hunt, and the right to keep and bear arms. CRPA is also
13 dedicated to promoting the shooting sports, providing education, training, and
14 organized competition for adult and junior shooters. CRPA works to defeat anti-
15 Second Amendment and hunting legislation and defend against unconstitutional
16 laws in court. CRPA's members include law enforcement officers, prosecutors,
17 professionals, firearm experts, FFLs, attorneys, gun owners, and members of the
18 general public. CRPA accomplishes these goals through educational offerings,
19 publications, member engagement, legislative advocacy, and litigation.

20 4. CRPA has approximately 500 business affiliates that we work with
21 across the state. Many of these business affiliate members are Federal Firearm
22 Licensees.

23 5. CRPA Business Affiliate members have reached out to CRPA through
24 emails and phone calls, expressing concern over what SB 1384 would do to their
25 businesses and customers. SB 1384 is cost prohibitive to many FFL members and
26 would put them out of business, many do not want intrusive recording in their
27 homes and shops, and others are concerned that customers will be kept away by the
28 violation of their privacy.

1 6. CRPA will also be harmed directly. CRPA has field representatives
2 who enter the business affiliate premises to conduct business, update the business
3 affiliates on news and information, distribute literature, and discuss important
4 political and legal challenges in the state. These CRPA materials and discussions
5 that explain what is happening legislatively, politically, and legally in the state are a
6 convenient way for FFLs to in turn provide that information to their customers.
7 Many CRPA members make the decision to sign up as members while in a gun
8 shop or at a gun show so they can continue receiving this type of information. SB
9 1384 may chill their desire to join a group like CRPA if they know the anti-gun
10 government is monitoring that activity. This will affect CRPAs ability to perform
11 our mission, associate with gun owners looking for information, and protect Second
12 Amendment rights in California.

13 7. CRPA trainers, members, FFLs, and class participants would have
14 their constitutional rights violated under SB 1384 (Section 26806) because their
15 private discussions and actions would be recorded, some of which have nothing to
16 do with the purchase of a firearm.

17 8. CRPA has tens of thousands of members and supporters, many of
18 whom, like myself, frequent gun stores and gun shows to engage in lawful
19 purchases, expressive activities with like-minded people, including discussions
20 related to firearms, ammunition, accessories, the shooting sports, politics, and the
21 Second Amendment.

22 9. Because SB 1384 would force the recording of many of these private
23 conversations, CRPA members may be deterred from entering the FFL
24 establishments to conduct these constitutionally protected activities. They would
25 also have to choose between allowing some rights to be violated in order to exercise
26 other rights.

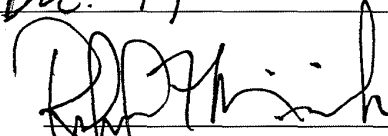
27 10. Under SB 1384, CRPA members who are FFLs would be forced by the
28 government to purchase expensive monitoring equipment, record all activities 24

1 hours per day, and record the activities of their customers who may not consent to
2 being recorded, thus opening them up to potential liability for violating customer
3 privacy.

4 11. If SB 1384's recording provisions are allowed to stay in place,
5 CRPA's members' and supporters' constitutional rights will be violated and CRPA
6 will be prevented from carrying out its full mission because of the ever-present
7 government surveillance scheme found in SB 1384.

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

9 Executed within in the United States on Dec. 19, 2023.

10
11 

12 Richard Minnich
13 Declarant
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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 RICHARD MINNICH IN SUPPORT OF PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND ISSUANCE OF PRELIMINARY INJUNCTION

on the following parties by the following means:

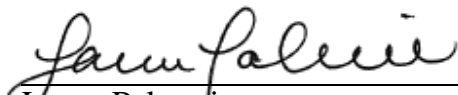
Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

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.

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

Executed December 20, 2023.



Laura Palmerin

CERTIFICATE OF SERVICE

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413

**DECLARATION OF JESSE HARRIS
 IN SUPPORT OF PLAINTIFFS'
 MOTION FOR TEMPORARY
 RESTRAINING ORDER AND
 ISSUANCE OF PRELIMINARY
 INJUNCTION**

Hearing Date: TBD
 Hearing Time: TBD
 Courtroom: TBD
 Judge: TBD

DECLARATION OF JESSE HARRIS

DECLARATION OF JESSE HARRIS

1
2 1. I, Jesse Harris, am a plaintiff in the above-entitled action. I make this
3 declaration of my own personal knowledge and, if called as a witness, I could and
4 would testify competently to the truth of the matters set forth herein.

5 2. I am a current resident of Siskiyou County, California.

6 3. Before the passage of SB 1384, I regularly attended gun shows and
7 frequented gun shops on behalf of California Rifle & Pistol Association and as a
8 field representative.

9 4. I am a certified firearms instructor and work as an FFL in a tire and
10 tackle shop where I lease space from the owner.

11 5. In these roles, it is important for me to be able to have personal
12 conversations with students, members, customers, and other FFLs regarding their
13 safety, security, and why being a gun owner is important to them. I also discuss
14 issues affecting gun owners in California, like pending litigation and legislation,
15 and how groups like CRPA are working to protect their rights. My being able to
16 visit these locations and speak to gun owners allows valuable opportunities to
17 educate gun owners and to learn from others while engaging in political speech.

18 6. As an instructor, it is imperative that I share my knowledge about
19 current law, potential laws that are being considered, and what groups are doing to
20 stop more gun control against lawful citizens that will not stop crime in the state.
21 Many times, these conversations happen one-on-one with students.

22 7. I also enjoy attending gun shows and pro-Second Amendment events
23 because these events offer me a unique opportunity to engage with like-minded
24 people to explore and discuss the lawful uses of firearms, including self-defense,
25 hunting, target shooting, safety training, gunsmithing, and general appreciation of
26 our Second Amendment rights. I also discuss politics, being a gun owner in
27 California, gun safety, and political actions against lawful gun ownership in
28 California with other attendees and volunteers.

1 8. SB 1384 would chill the speech of gun owners that I meet in the gun
2 shops, on ranges, and in gun shows because they will be fearful of saying or doing
3 the wrong things instead of being open to asking about issues. They will be less
4 likely to congregate in such spaces or even come to training classes because of
5 constant monitoring by the government.

6 9. I speak with customers in the shop where I lease space, and the owner
7 of the shop speaks with his own customers as well as his legal counsel while in the
8 shop.

9 10. Under SB 1384, both my conversations regarding firearms and the
10 private conversations of the owner of the shop with customers who have nothing to
11 do with purchasing a firearm would be recorded all the same.

12 11. SB 1384 would negatively impact my business by driving away
13 customers who do not want to have their personal and confidential conversations
14 with me recorded. The recording of customers in the shop who are not purchasing a
15 firearm may also cause the shop owner to lose customers and create tension for my
16 lease agreement and business.

17 12. SB 1384 poses financial difficulties for me because I am a small one-
18 man shop with limited transfers and because I do not own the space where my FFL
19 is located. The lease does not allow me to transform the entire shop (outside of my
20 lease space, which would be required) into a recorded area for the DOJ. The cost
21 alone would ruin my business and would prevent me from continuing as an FFL.

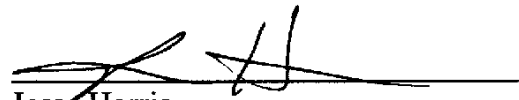
22 13. If this court were to enjoin SB 1384 enforcement, I would resume my
23 activities along with other gun owners and FFLs who conduct lawful and highly
24 regulated businesses.

25
26 ///

27 ///

28 ///

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

3
4
5 
6 Jesse Harris
7 Declarant
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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 JESSE HARRIS IN SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY RESTRAINING ORDER AND ISSUANCE
OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

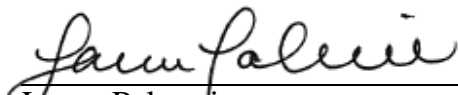
Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

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.

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

Executed December 20, 2023.



Laura Palmerin

CERTIFICATE OF SERVICE

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413

**DECLARATION OF JEFFREY
 VANDERMEULEN IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 TEMPORARY RESTRAINING
 ORDER AND ISSUANCE OF
 PRELIMINARY INJUNCTION**

Hearing Date: TBD
 Hearing Time: TBD
 Courtroom: TBD
 Judge: TBD

DECLARATION OF JEFFREY VANDERMEULEN

DECLARATION OF JEFFREY VANDERMEULEN

1. I, Jeffrey Vandermeulen, am a plaintiff in the above-entitled action. I make this declaration of my own personal knowledge and if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. I am a current resident of Amador County, California.

3. I am a retired police officer and FFL. I operate a retail sales firearms business and e-sales firearms business out of my home. The name of my FFL business is MountainHouse Firearms.

4. MountainHouse Firearms is a locally owned small business specializing in the sale of new and use consignment handguns, rifles, shotguns, and accessories.

5. I also operate a small aerial ash dispersal business out of my home.

6. Through operating my many businesses, I often have private conversations with customers about firearm ownership, family firearm collections, and customers wishing to have the ashes of their loved ones scattered.

7. SB 1384 would force me to record all of these transactions regardless of whether they are about the sale of firearms or not. My customers would find this very offensive to have the DOJ listening in on all of their private conversations that they have in confidence with me. Customers will not seek out my services and I fear having to close down my business.

8. SB 1384 requires me to post signage on my private residence alerting anyone (customer or friend) who enters my property that they will be recorded. I do not feel comfortable posting this kind of sign on my private property.

9. SB 1384 will require me to purchase expensive equipment to comply and pay for the storage of the recordings for one year. The requirements are not for a simple home alarm system, they are for a commercial grade system with specific requirements that are very costly to me as a small business owner.

10. I am afraid of additional liability for being sued by someone who

1 misses the posted sign or does not give their consent to be recorded. SB 1384 seems
2 to put me in a bad position where I could be sued by those people over privacy
3 rights.

4 11. Many of my transactions are done on the computer with people outside
5 of California through my e-sales. I am unclear if SB 1384 would force me to point a
6 camera at that screen directly or not. If that is a requirement (because e-sales are
7 transactions) the recording then captures all of those customers' private details on
8 the screen on video. Additionally, those customers have not consented to recording
9 by the DOJ. This will destroy my online business as well.

10 12. As a direct result of SB 1384 being fully implemented, I may be force
11 to give up my business due to the cost to my business and the disapproval of my
12 customers over being recorded.

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

14 Executed within the United States on December 20, 2023.

15
16
17
18
19
20
21
22
23
24
25
26
27
28



Jeffrey Vandermeulen
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

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 JEFFREY VANDERMEULEN IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND
ISSUANCE OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

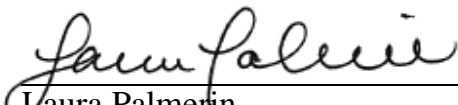
Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

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.

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

Executed December 20, 2023.



Laura Palmerin

CERTIFICATE OF SERVICE

1 C. D. Michel – SBN 144258
 2 Tiffany D. Cheuvront – SBN 317144
 3 MICHEL & ASSOCIATES, P.C.
 4 180 E. Ocean Blvd., Suite 200
 5 Long Beach, CA 90802
 6 Telephone: (562) 216-4444
 7 Facsimile: (562) 216-4445
 8 cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413

**DECLARATION OF GREGG L.
 BOUSLOG IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 TEMPORARY RESTRAINING
 ORDER AND ISSUANCE OF
 PRELIMINARY INJUNCTION**

Hearing Date: TBD
 Hearing Time: TBD
 Courtroom: TBD
 Judge: TBD

DECLARATION OF GREGG L. BOUSLOG

DECLARATION OF GREGG L. BOUSLOG

1
2 1. I, Gregg L. Bouslog, represent plaintiff On Target Indoor Shooting
3 Range, LLC in the above-entitled action. I make this declaration of my own
4 personal knowledge and if called as a witness, I could and would testify
5 competently to the truth of the matters set forth herein.

6 2. I am the Manager and Principle for On Target Indoor Shooting Range,
7 LLC ("On Target") in Orange County, CA. I oversee the day to day activity of the
8 facility including firearms sales, transfers, the shooting range activity, and training.

9 3. On Target is a brick-and-mortar shop and indoor range.

10 4. On Target specializes in firearms sales (in store and e-sales), firearms
11 transfers, ammunition sales, and training classes.

12 5. As an FFL, On Target has conversations with customers that are
13 confidential in nature regarding their needs to protect themselves and keep them
14 and others safe. We also discuss the types of firearms that are good for their needs
15 and the laws that they must follow as well as pending laws that the state is trying to
16 pass against lawful gun owners.

17 6. On Target supports groups like CRPA and encourages and speaks to
18 customers about why it is so important to join these groups to fight for their rights
19 as gun owners in a state that is constantly trying to restrict their basic constitutional
20 rights.

21 7. On Target offers many training courses for new gun owners and is
22 specifically geared towards making women feel confident in the use of their
23 firearm.

24 8. Twice a month On Target hosts discussion sessions with gun owners to
25 talk about topics that are important to them in a safe and informative environment.
26 Should SB 1384 be implemented, these training groups and discussion groups will
27 be completely recorded by the DOJ. This would stifle the entire purpose of open
28 conversation and many would stop attending.

1 9. The recording of these sessions would make gun owners less likely to
2 ask questions and speak openly for fear of the anti-Second Amendment government
3 watching and listening to them.

4 10. On Target is also concerned about the additional liability of audio
5 recording these confidential conversations without the other persons giving their
6 consent. This opens On Target up to liability for future legal action that we would
7 not have absent SB 1384.

8 11. Beyond driving the customers and students away, SB 1384 will impact
9 On Target financially by forcing them to purchase costly commercial recording
10 equipment that is beyond what is necessary for security of the store. Additional
11 equipment, audio recording, space to store the recordings and wiring of the space
12 are all a huge financial burden.

13 12. If SB 1384 is fully implemented, On Target will see reduced number
14 of gun owners coming to safety classes, reduced number of gun owners willing to
15 have open and honest conversations about their firearm and the laws surrounding
16 their possession and use, and will be greatly impacted by the financial cost this bill
17 would mandate on businesses like On Target.

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

19 Executed within the United States on DECEMBER 19, 2023.

20
21
22 
23 Gregg L. Bouslog
24 Declarant
25
26
27
28

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

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 GREGG L. BOUSLOG IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER AND
ISSUANCE OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

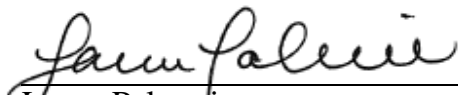
Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

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.

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

Executed December 20, 2023.



Laura Palmerin

CERTIFICATE OF SERVICE

1 C. D. Michel – SBN 144258
 2 Tiffany D. Cheuvront – SBN 317144
 3 MICHEL & ASSOCIATES, P.C.
 4 180 E. Ocean Blvd., Suite 200
 5 Long Beach, CA 90802
 6 Telephone: (562) 216-4444
 7 Facsimile: (562) 216-4445
 8 cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413

**DECLARATION OF GERALD
 CLARK IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 TEMPORARY RESTRAINING
 ORDER AND ISSUANCE OF
 PRELIMINARY INJUNCTION**

Hearing Date: TBD
 Hearing Time: TBD
 Courtroom: TBD
 Judge: TBD

DECLARATION OF GERALD CLARK

DECLARATION OF GERALD CLARK

1
2 1. I, Gerald Clark, am a plaintiff in the above-entitled action. I make this
3 declaration of my own personal knowledge and, if called as a witness, I could and
4 would testify competently to the truth of the matters set forth herein.

5 2. I am a current resident of Orange County, California.

6 3. Before the passage of SB 1384, I regularly attended gun shows,
7 frequented gun shops, and instructed gun safety courses in these facilities and at
8 ranges all across the state on behalf of the California Rifle & Pistol Association and
9 the state of California Hunters' Education Program.

10 4. I am an instructor and work as a volunteer offering training to scouting
11 groups and gun owners across the state. In these roles, it is important for me to
12 be able to have personal conversations with students, members, parents, and FFLs
13 regarding their safety, security, and why their being a gun owner is important to
14 them. I also discuss issues affecting gun owners in California like pending litigation
15 and legislation and how groups like CRPA, GOC, SAF, GOA, GOF, and 2ALC are
16 working to protect their rights. My being able to visit these locations and speak to
17 gun owners allows valuable opportunities to educate gun owners and to learn from
18 others while engaging in political speech.

19 5. As an instructor, it is imperative that I share my knowledge about
20 current law, potential laws that are being considered, and what groups are doing to
21 stop more gun control against lawful citizens that will not stop crime in the state.

22 6. I also enjoy attending gun shows because these events offer me a
23 unique opportunity to engage with like-minded people to explore and discuss the
24 lawful uses of firearms, including self-defense, hunting, target shooting, safety
25 training, gunsmithing, and general appreciation of our Second Amendment rights. I
26 also discuss politics, being a gun owner in California, gun safety, and political
27 actions against lawful gun ownership in California with other attendees and
28 volunteers.

1 7. I also visit gun shows and gun shops to purchase firearms and
2 ammunition, parts for firearms, and materials to help with my training as a gun
3 owner to be more proficient. As a purchaser of such products, I do not want to have
4 my speech stifled because I know that the government is tracking my every word. I
5 want to have open and honest conversations with the FFL about my specific needs
6 at a gun owner. I think being recorded under SB 1384 would severely limit those
7 conversations and chill my First Amendment rights.

8 8. I think that SB 1384 would also chill the speech of my students, gun
9 owners that I meet in the gun shops, on ranges, and in gun shows because they will
10 be fearful of saying or doing the wrong things instead of being open to ask about
11 issues. They will be less likely to congregate in such spaces or even come to
12 training classes because of constant monitoring by the government like they are
13 citizen of China instead of citizens of America with constitutional rights.

14 9. Even when I am not in the market to purchase a firearm or
15 ammunition, being able to speak to the vendors and FFLs about new products and
16 pending laws is important to me as an instructor and a gun owner.

17 10. SB 1384 will diminish my right to engage in otherwise lawful speech,
18 it will violate my right to have private conversations by recording me and others
19 without our consent, and it will limit the type of interactions gun owners are willing
20 to have while being spied upon by the government.

21 11. If this court were to enjoin SB 1384 enforcement, I would resume my
22 activities along with other gun owners and FFLs who conduct lawful and highly
23 regulated businesses.

24
25 ///

26 ///

27 ///

28 ///

1 I declare under penalty of perjury that the foregoing is true and correct.
2 Executed within the United States on December 20, 2023.

3
4
5 s/ Gerald Clark

6 Gerald Clark

7 Declarant
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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 GERALD CLARK IN SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY RESTRAINING ORDER AND ISSUANCE
OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

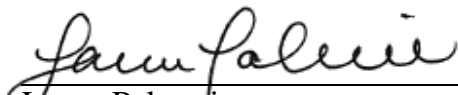
Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

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.

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

Executed December 20, 2023.



Laura Palmerin

CERTIFICATE OF SERVICE

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413

**DECLARATION OF ERICH M.
 PRATT IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 TEMPORARY RESTRAINING
 ORDER AND ISSUANCE OF
 PRELIMINARY INJUNCTION**

Hearing Date: TBD
 Hearing Time: TBD
 Courtroom: TBD
 Judge: TBD

DECLARATION OF ERICH M. PRATT

DECLARATION OF ERICH M. PRATT

1
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.

6
7 I declare under penalty of perjury that the foregoing is true and correct.
8 Executed within the United States on December 20, 2023.

9
10 

11 _____
12 Erich M. Pratt
13 Declarant
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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 ERICH M. PRATT IN SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY RESTRAINING ORDER AND ISSUANCE
OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

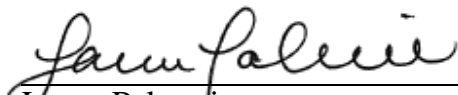
Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

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.

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

Executed December 20, 2023.



Laura Palmerin

CERTIFICATE OF SERVICE

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413

**DECLARATION OF ALAN
 GOTTLIEB IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 TEMPORARY RESTRAINING
 ORDER AND ISSUANCE OF
 PRELIMINARY INJUNCTION**

Hearing Date: TBD
 Hearing Time: TBD
 Courtroom: TBD
 Judge: TBD

DECLARATION OF ALAN GOTTLIEB

DECLARATION OF ALAN GOTTLIEB

1
2 1. I, Alan Gottlieb, am the Executive Vice President and founder of Plaintiff
3 Second Amendment Foundation (“SAF”), a plaintiff in the above-entitled action. I
4 make this declaration of my own personal knowledge, and, if called as a witness, I
5 could and would testify competently to the truth of the matters set forth herein.

6 2. SAF is a non-profit membership and donor-supported organization classified
7 under IRC section 501(c)(4) and incorporated under the laws of the state of
8 Washinton with its headquarters in Bellevue, Washington.

9 3. SAF has over 720,000 members that we work with across the nation, with
10 many in California. Many of these members are Federal Firearm Licensees and gun
11 owners who frequent gun shops, gun shows, and private FFL establishments.

12 4. SAF’s members include law enforcement officers, prosecutors, professionals,
13 firearm experts, FFLs, attorneys, gun owners, and members of the general public.
14 SAF accomplishes these goals through educational offerings, publications, member
15 engagement, legislative advocacy, and litigation.

16 5. SAF seeks to defend the Second Amendment, promote a better understanding
17 of our constitutional heritage to own and possess firearms privately, and advance
18 laws that protect the rights of individual citizens. SAF works to preserve the
19 constitutional and statutory rights of gun ownership, including the rights to self-
20 defense, the right to hunt, and the right to keep and bear arms. SAF works to defeat
21 anti-Second Amendment legislation and defend against unconstitutional laws in
22 court.

23 6. SAF also strives to educate the public about gun control issues. SAF is a
24 pioneer and innovator in the defense of the right to keep and bear arms through its
25 publications and education programs like the Gun Rights Policy Conference.

26 7. SAF expends a significant amount of money sponsoring public interest
27 litigation to defend its own interests and the interests of its members and supporters.

28 8. It is crucial to the success of SAF that its promotional materials, publications,

1 and messages are communicated to people of the “gun culture,” who are the very
2 people who frequent gun shops, gun shows, and FFL establishments. It is also
3 crucial that SAF be able to freely communicate with people in gun shops, attending
4 gun shows, and with individual FFLs regarding their rights, the gun control
5 movement’s agenda and tactics, and the need to understand their rights. These
6 conversations are many times one-on-one, but even if they are not one-on-one
7 conversations, people in shops picking up information about political speech and
8 making a decision to support pro-Second Amendment groups like SAF while the
9 government is recording them is cringeworthy, to say the least.

10 9. SB 1384 would capture and collect each and every word and action of
11 someone engaged in lawful political speech and association, even if they never
12 purchase a firearm at the counter. Because of the vile intrusions by SB 1384, many
13 gun owners will not go to gun shops or gun shows and will never have these very
14 important conversations.

15 10.SAF members have reached out to SAF, expressing concern over what SB
16 1384 would do to their businesses and customers. SB 1384 is cost-prohibitive to
17 many FFL members and would put them out of business; many do not want
18 intrusive recording in their homes and shops, and others are concerned that
19 customers will be kept away by the violation of their privacy.

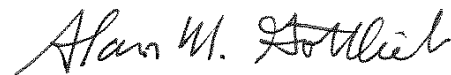
20 11.SAF will also be harmed directly through the implementation of SB 1384.
21 These SAF materials and discussions that explain what is happening legislatively,
22 politically, and legally in the state are a convenient way for FFLs to in turn provide
23 that information to their customers. Many SAF members make the decision to sign
24 up as members while in a gun shop or at a gun show so they can continue receiving
25 this type of information. SB 1384 may chill their desire to join a group like SAF if
26 they know the anti-gun government is monitoring that activity. This will affect
27 SAF’s ability to perform our mission, associate with gun owners looking for
28 information, and protect Second Amendment rights in California.

1 establishments to conduct these constitutionally protected activities. They would
2 also have to choose between allowing some rights to be violated to exercise other
3 rights.

4 13. Under SB 1384, SAF members who are FFLs would be forced by the
5 government to purchase expensive monitoring equipment, record all activities 24
6 hours per day, and record the activities of their customers who may not consent to
7 be recorded, thus opening them up to potential liability for violating customer
8 privacy.

9 14. If SB 1384's recording provisions are allowed to stay in place, SAF's
10 members' and supporters' constitutional rights will be violated, and SAF will be
11 prevented from carrying out its full mission because of the ever-present government
12 surveillance scheme found in SB 1384.

13 I declare under penalty of perjury that the foregoing is true and correct.
14 Executed within the United States on December 18, 2023.

15
16 

17 ALAN GOTTLIEB
18 Declarant
19
20
21
22
23
24
25
26
27
28

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

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 ALAN GOTTLIEB IN SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY RESTRAINING ORDER AND ISSUANCE
OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

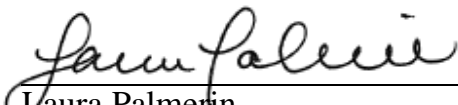
Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

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.

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

Executed December 20, 2023.



Laura Palmerin

CERTIFICATE OF SERVICE

C. D. Michel – SBN 144258
 Tiffany D. Cheuvront – SBN 317144
 MICHEL & ASSOCIATES, P.C.
 180 E. Ocean Blvd., Suite 200
 Long Beach, CA 90802
 Telephone: (562) 216-4444
 Facsimile: (562) 216-4445
cmichel@michellawyers.com

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 America, Inc., Gun Owners Foundation, and California Rifle & Pistol Association, Incorporated

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

Attorney for Plaintiff Second Amendment Foundation

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

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

Defendants.

Case No.: 8:23-cv-02413

**DECLARATION OF ADAM
 RICHARDS IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 TEMPORARY RESTRAINING
 ORDER AND ISSUANCE OF
 PRELIMINARY INJUNCTION**

Hearing Date: TBD
 Hearing Time: TBD
 Courtroom: TBD
 Judge: TBD

DECLARATION OF ADAM RICHARDS

DECLARATION OF ADAM RICHARDS

1
2 1. I, Adam Richards, am a plaintiff in the above-entitled action. I make
3 this declaration of my own personal knowledge and if called as a witness, I could
4 and would testify competently to the truth of the matters set forth herein.

5 2. I am a current resident of El Dorado County, California.

6 3. I am a home-based FFL and an attorney. I work out of my home doing
7 legal work approximately 50% of the time.

8 4. In my home office, I conduct legal work and operate my FFL business.

9 5. I was forced to become a home-based FFL because the City of
10 Sacramento (where his law office is located) made the permitting process for
11 becoming an established commercial FFL so expensive that I could not afford to
12 have the FFL license in the same place as my main law office. Rather than waste
13 money on permitting with the city, I decided to open my FFL business in my home.

14 6. I have a separate structure at my home, which houses my home office.

15 7. The work I do for my legal practice includes telephone calls with
16 clients, opposing counsel, law enforcement, and others. These are often attorney-
17 client privileged conversations, and they are always private and not intended for
18 others to hear.

19 8. While working on legal matters in my home office, I may also have
20 confidential client files open and documents spread out that could be picked up on a
21 recording device that would be located in that space. This would be a breach of
22 client confidentiality.

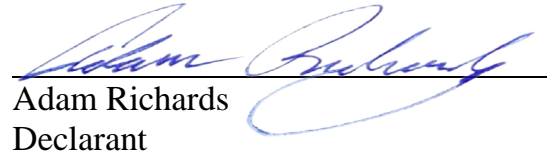
23 9. I also have a family with younger children. Many times, my children
24 will come to see me in the home office before school or before bed in the evenings.
25 As younger children, they can sometimes be partially dressed when they visit. I
26 could not imagine exposing my children in their most intimate times with a parent
27 to government recording.

28 10. Should AB 1384 be implemented, Mr. Richards will be forced to

1 include highly intrusive recording devices into my home and home office, alert all
2 of my clients, family, friends, neighbors, etc., that they are being recorded, and
3 then hope that I do not get sued for recording someone without consent.

4 11. If this court were to enjoin SB 1384 enforcement, I would resume my
5 activities along with other gun owners and FFLs who conduct lawful and highly
6 regulated businesses.

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

10
11
12 
13 Adam Richards
14 Declarant
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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 ADAM RICHARDS IN SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY RESTRAINING ORDER AND ISSUANCE
OF PRELIMINARY INJUNCTION**

on the following parties by the following means:

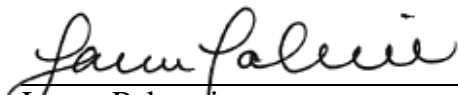
Robert Bonta, California Attorney General
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013-1230

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.

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

Executed December 20, 2023.



Laura Palmerin

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2025, an electronic PDF of **APPELLANTS' EXCERPTS OF RECORD, VOLUME 3 OF 4**, was uploaded to the Court's CM/ECF system, which will automatically generate and send by electronic mail a Notice of Docket Activity to all registered attorneys participating in the case. Such notice constitutes service on those registered attorneys.

Dated: May 27, 2025

Respectfully submitted,

MICHEL & ASSOCIATES, P.C.

s/ Anna M. Barvir

Anna M. Barvir

Attorneys for Plaintiffs-Appellants