IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE SECOND APPELLATE DISTRICT

FRANKLIN ARMORY, INC., and CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED, Plaintiffs and Appellants, v. CALIFORNIA DEPARTMENT OF JUSTICE, XAVIER BECERRA, in his Official Capacity as Attorney General for the State of California, and DOES 1-10, Defendants and Respondents.	Case No. B340913

APPELLANTS' APPENDIX
VOLUME X OF XX
Pages 1280-1429

Superior Court of California, County of Los Angeles
Case No. 20STCP01747
Honorable Daniel S. Murphy, Judge

C.D. Michel – SBN 144258
Jason A. Davis – SBN 224250
Anna M. Barvir – SBN 268728
Konstadinos T. Moros – SBN 306610
MICHEL & ASSOCIATES, P.C.
180 East Ocean Blvd., Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Email: abarvir@michellawyers.com

Counsel for Plaintiffs-Appellants

C.D. Michel – SBN 144258
Jason A. Davis – SBN 224250
Anna M. Barvir – SBN 268728
Konstadinos T. Moros – SBN 306610
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd, Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445
Email: CMichel@michellawyers.com

Attorneys for Petitioner - Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

FRANKLIN ARMORY, INC., et al.,

Petitioners-Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF JUSTICE, et al.,

Respondents-Defendants.

Case No.: 20STCP01747

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

DECLARATION OF ANNA M. BARVIR IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION; EXHIBITS 11-14 OF 19

Hearing Date:	July 10, 2024
Hearing Time:	8:30 a.m.
Department:	32
Judge:	Hon. Daniel S. Murphy

Action Filed:	May 27, 2020
FPC Date:	August 8, 2024
Trial Date:	August 20, 2024

DECLARATION OF ANNA M. BARVIR

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

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

2. On or about June 7, 2024, counsel for Plaintiffs took the noticed deposition of Ms. Allison Mendoza. A transcript of the proceedings was prepared by a certified court reporter. A true and correct copy of Excerpts of the Certified Transcript of the June 7, 2024 Deposition of Allison Mendoza and the exhibits marked and introduced thereat is attached as **Exhibit 11**.

3. On or about April 22, 204, counsel for Defendants took the noticed deposition of Mr. David Gockel. A transcript of the proceedings was prepared by a certified court reporter. A true and correct copy of Excerpts from the Certified Transcript of the April 22, 2024 Deposition of David Gockel is attached hereto as **Exhibit 12**.

4. On or about March 26, 2024, counsel for Plaintiffs took the noticed deposition of Mr. Blake Graham. A transcript of the proceedings was prepared by a certified court reporter. A true and correct copy of Excerpts from the Certified Transcript of the March 26, 2024 Deposition of Blake Graham is attached hereto as **Exhibit 13**.

5. On or about January 11, 2024, counsel for Plaintiffs took the noticed deposition of Ms. Maricela Leyva. A transcript of the proceedings was prepared by a certified court reporter. A true and correct copy of Excerpts from the Certified Transcript of the January 11, 2024 Deposition of Maricela Leyva and the exhibits marked and introduced thereat is attached as **Exhibit 14.**

6. On or about January 3, 2024, counsel for Plaintiffs took the noticed deposition of Ms. Jennifer Kim. A transcript of the proceedings was prepared by a certified court reporter. A true and correct copy of Excerpts from the Certified Transcript of the January 3, 3024 Deposition of Jennifer Kim and the exhibits marked and introduced thereat is attached as **Exhibit 15.**

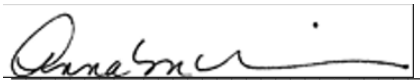
7. On or about November 14, 2023, counsel for Defendants took the noticed deposition of Mr. Jay Jacobson. A transcript of the proceedings was prepared by a certified court reporter. A true and correct copy of Excerpts from the Certified Transcript of the November 14, 2023 Deposition of Jay Jacobson and the exhibits marked and introduced thereat is attached as **Exhibit 16.**

8. On or about September 8, 2023, counsel for Plaintiffs took the second noticed deposition of Ms. Cheryl Massaro-Florez. A transcript of the proceedings was prepared by a certified court reporter. A true and correct copy of Excerpts from the Certified Transcript of the Transcript of September 8, 2023 Deposition of Cheryl Massaro-Florez and the exhibits marked and introduced thereat is attached as **Exhibit 17.**

9. On or about December 28, 2021, counsel for Plaintiffs took the first noticed deposition of Ms. Cheryl Massaro-Florez. A transcript of the proceedings was prepared by a certified court reporter. A true and correct copy of Excerpts from the Certified Transcript of the Excerpts of Transcript of December 28, 2021 Deposition of Cheryl Massaro-Florez and the exhibits marked and introduced thereat is attached as **Exhibit 18.**

10. On or about December 29, 2021, counsel for Plaintiffs took the noticed deposition of Ms. Allison Mendoza. A transcript of the proceedings was prepared by a certified court reporter. A true and correct copy of Excerpts from the Certified Transcript of the Excerpts of Transcript of the December 29, 2021 Deposition of Maricela Leyva and the exhibits marked and introduced thereat is attached as **Exhibit 19.**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 26, 2024, at Temescal Valley, California.



Anna M. Barvir
Declarant

EXHIBIT 11

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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

REMOTE DEPOSITION OF

ALLISON MENDOZA

Sacramento, California

Friday, June 7, 2024

Reported By: Katie Hufstetler
California CSR No. 13483
Washington CSR No. 21003003
LitiCourt Job No. 206468

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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

REMOTE DEPOSITION OF ALLISON MENDOZA, taken on behalf of Petitioners-Plaintiffs, from Sacramento, California, beginning at 10:13 a.m. and ending at 4:33 p.m., on Friday, June 7, 2024, before Katie Hufstetler, California CSR No. 13483, Washington CSR No. 21003003, reporting remotely.

APPEARANCES OF COUNSEL

FOR THE PETITIONERS-PLAINTIFFS:

MICHEL & ASSOCIATES, P.C.
BY: SEAN A. BRADY, ESQ.
(VIA ZOOM VIDEOCONFERENCE)
180 East Ocean Boulevard
Suite 200
Long Beach, California 90802
(562) 216-4444
sbrady@michellawyers.com

FOR THE DEFENDANTS-RESPONDENTS:

CALIFORNIA DEPARTMENT OF JUSTICE
BY: KENNETH G. LAKE, ESQ.
(VIA ZOOM VIDEOCONFERENCE)
300 South Spring Street
Suite 1702
Los Angeles, California 90013
(213) 269-6525
kenneth.lake@doj.ca.gov

ALSO PRESENT VIA ZOOM VIDEOCONFERENCE:

NED CHRISTENSEN, THE TECHNICIAN

TOPE ONI, THE TECHNICIAN

INDEX

WITNESS

ALLISON MENDOZA

EXAMINATION	PAGE
BY MR. BRADY	6

EXHIBITS

MARKED	DESCRIPTION	PAGE
Exhibit 41	AMENDED NOTICE OF DEPOSITION OF ALLISON MENDOZA	7
Exhibit 42	STATE OF CALIFORNIA BUDGET CHANGE PROPOSAL	45
Exhibit 43	LETTER DATED OCTOBER 24, 2019 ON THE DAVIS LAW FIRM LETTERHEAD	80
Exhibit 44	EMAIL DATED AUGUST 9, 2021	111
Exhibit 45	PARENT JIRA	120
Exhibit 46	DECLARATION OF ALLISON MENDOZA IN SUPPORT OF MOTION BY DEFENDANTS FOR SUMMARY JUDGEMENT; OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION OF ISSUES	133

recommendations?

A. Can I ask my attorney a question?

Q. Of course.

MR. LAKE: Okay. If we take a break?

MR. BRADY: Sure.

MR. LAKE: Okay.

THE COURT REPORTER: Okay. We are off the record.

(Break taken.)

MR. LAKE: Okay. If I may -- let -- so we've had a discussion. There are some confidentiality issues involved. So just for the record, that there's -- we're objecting on -- so there's a difference between legislation that has been made public and when there are, perhaps, discussions involving proposed legislation that never goes forward, is never made public. Those are considered confidential, whether it's attorney-client deliberative process, official information, legislative process privilege.

Those are -- those are all privileged and not appropriate grounds for questioning. Does that make sense? So I mean, if you -- if the question is discussing legislation that, perhaps, was eventually

made public, you -- you can ask the witness those questions. But anything that never made it that far, is privileged.

BY MR. BRADY:

Q. Would the communications that you had, Ms. Mendoza, with the office of legislative affairs, necessarily, include an attorney?

A. Yes.

Q. Okay. So going back to the question before we went on a break for you to consult with your counsel, and keeping in mind the admonitions about privilege that your counsel just laid out, can you describe the legislation that you worked on in your role as director of Bureau of Firearms?

MR. LAKE: Well, I just -- you know, I'm going to also add the objection in addition to the previously stated one. It's overbroad, and we're kind of casting an overly wide net here because if we're talking about just legislation, in general, that has nothing to do with this case, then it's not -- you know, it's not gonna lead to discovery of admissible information. But I --

But go ahead and answer it, if you can.

THE WITNESS: I can't think of a specific one right now to give you an example.

BY MR. BRADY:

Q. Did you work on any legislation if your role as assistant director of BOF?

A. Yes.

Q. Can you recall any specific legislation you worked on in your role as assistant director?

MR. LAKE: And again, the same admonition, only public -- publicly-disclosed legislation.

THE WITNESS: I -- I can't think of an example right now.

BY MR. BRADY:

Q. Are you familiar with the term "dealer record of entry system"?

A. The dealer record of sale entry system, yes.

Q. Can you describe what it is?

A. The DES is a -- I'm sorry, the DROS entry system, which we refer to as "DES," is a web-based system that California firearms dealers and ammunition vendors use to submit applications to the Bureau to conduct firearm eligibility, background checks, ammunition background checks, records -- initiates the process for transfers of purchases.

Q. You use the term "DES."

Is that short for DROS entry system?

A. Correct.

Q. So if we use that term, you will understand it to mean the DROS entry system?

A. Correct.

Q. Okay. Did you participate in designing DES in any way?

A. Yes, at a -- yes.

Q. What was your role in designing DES?

A. I believe at that time, I was the Department of Justice Administrator II. That was when we were bringing the -- or implementing the DROS entry system. There were staff that were more intimately involved in the creation of it, but I oversaw the team that was working on the project, making sure that the system was designed to fit the needs, reviewing business rules, timelines for implementation, those types of things.

Q. What are business rules?

A. Business rules are what the Bureau of Firearms and one of the other divisions within in the Department, the Criminal Justice information services division, we work collaboratively with them on any IT-specific projects.

It's what we in the Bureau prepare as far as type -- the types of needs the business rules, like how the functionality should work, how the system, you know, the flows of things, the type of information that we

might need to capture, those types of things.

Q. And are -- do those business rules sort of layout the design requirements for the particular system?

A. I would say it's apart of the system designs, yes. It's kind of like, I said kind, it lays out all of the things that we need to capture, the types of functionality, the things that, you know, mandatory fields versus fields that are not mandatory, you know, how reports should look, types of information we might need in a report, those types of things.

Q. And how is it determined what is mandatory and not mandatory?

A. Usually, we are looking at what might be in statute that might specify what the Department has to capture, what we have to record. We'll also utilize regulations, so if that specifically lays out what might be mandatory or the type of information that an applicant or a dealer might have to provide, those are things that would be mandatory.

Q. And -- and you said "we." Did that include you looking at the statutory and regulatory guidelines? Or are you using the collective "we," as in the DOJ did that?

A. I would collectively say there are numerous

Q. In your. Is it your under --

Can a rifle be an assault weapon?

MR. LAKE: Same objections.

THE WITNESS: I am not sure.

BY MR. BRADY:

Q. So your counsel just mentioned Senate Bill 118 from 2020. Are you familiar with -- with that piece of legislation?

A. I'm aware of it, yes.

Q. If I refer to it as "SB 118," will you understand that I'm referring to Senate Bill 118 from 2020?

A. Yes.

Q. Okay. Do you recall whether SB 118 had any affect on the Franklin Armory Title 1?

A. My understanding is SB 118 is what classifies the Title 1 as an assault weapon.

Q. Did the Title 1 meet any assault weapon definition before SB 118, to your knowledge?

MR. LAKE: Object. Calls for speculation. Calls for a legal conclusion.

Go ahead.

THE WITNESS: I don't believe prior to SB 118, that that had been determined. I -- no, I don't believe that it did.

BY MR. BRADY:

Q. I'm sorry. You don't believe it did what?

A. That it -- that it was defined as an assault weapon prior to SB 118, that the Franklin Armory Title 1 was.

Q. You were assistant director of the Bureau of Firearms at that point in time; correct?

A. Correct.

Q. Do you recall whether the Bureau of Firearms had any policy relating to the Franklin Armory Title 1 being an assault weapon or not?

MR. LAKE: Vague as to time. And also vague and ambiguous as to the term "policy."

Go ahead.

THE WITNESS: I don't have a recollection of a policy related to the Franklin Armory Title 1.

BY MR. BRADY:

Q. Do you recall whether BOF ever took any position on whether the Franklin Armory Title 1 was an assault weapon prior to SB 118?

A. I do not recall.

Q. Would it be fair to describe SB 118 as a budget trailer bill?

A. That's my recollection, yes.

Q. Can you explain what a budget trailer bill is?

A. I would explain it as -- well, how do I explain it? Another mechanism, typically, my understanding is toward the end of the fiscal year, where various items can be inserted into a budget trailer bill, a different route than maybe the normal legislative process.

Q. To your knowledge, does the legislature commonly use budget trailer bills to make changes to firearm definitions?

A. I'm unsure.

Q. Have -- have you ever seen another example, other than SB 118, of a budget trailer bill changing the definition of a firearm?

A. I don't have a recollection of one.

Q. Do you know why the change -- the -- the making of the Franklin Armory Title 1 into an assault weapon was done via a budget trailer bill?

MR. LAKE: Object to the extent it calls for speculation, and legal conclusion.

Go ahead.

THE WITNESS: I -- I do not know.

BY MR. BRADY:

Q. Did anyone at DOJ participate in drafting SB 118?

MR. LAKE: Same objection. Calls for speculation. Lacks foundation.

Go ahead, if you can.

THE WITNESS: I -- I am not sure. I don't know.

BY MR. BRADY:

Q. Did you participate in drafting SB 118?

A. Not to my recollection.

Q. So it's possible that you could have, you just don't recall?

A. I don't recall.

Q. Do you recall whether anybody at DOJ proposed making the Franklin Armory Title 1 an assault weapon via SB 118?

A. I do not recall.

Q. Are you aware of any communication between DOJ and any legislators or -- or their legislative staff concerning SB 118?

A. I -- no.

Q. Do you know whether DOJ initiated contact with the legislature about making the Franklin Armory Title 1 an assault weapon via SB 118?

A. I do not know.

Q. So you don't know whether DOJ asked the legislature to make this change? Or if the legislature asked DOJ for assistance in making the change?

A. I do not know.

Q. Do you know whether DOJ assisted in any way in making the change to SB 118 that made the Franklin Armory Title 1 an assault weapon?

MR. LAKE: Vague and ambiguous as to the term "assisted."

Go ahead.

THE WITNESS: I -- I don't re- -- I don't know.

MR. BRADY: I'd like to mark Exhibit 42.

(Whereupon Exhibit 42 was marked for identification and is attached hereto.)

BY MR. BRADY:

Q. Can you see on your screen, Ms. Mendoza, a document where in the upper left-hand corner, it says, "State of California budget change proposal cover sheet"?

A. Yes.

Q. Do you know what a -- what this document is?

MR. LAKE: Give her a few minutes to take a look at it, just because it's a -- it looks like it's 14 pages.

MR. BRADY: Sure. So before you go and look at all of it, I'm simply asking about whether you know what

MR. BRADY: Well, now, I'm asking, to be clear at a high level, was anything done. Then once, if there have -- if anything has been done, then we can go piece by piece what was -- what, if anything, was done. So my question was -- because I don't know what I don't know.

BY MR. BRADY:

Q. What I want to know is whether anything was being done by DOJ at this -- during this period of 2000 -- late 2019, into early 2020, relating to adding the term "other" to the long gun list on DES?

A. Conversations were had, as I mentioned earlier, between CJIS, Bureau of Firearms, attorneys, about the potential for the change. You know, resources, you know, making changes in addition to what the Department was already mandated to make changes, based on legislation that had passed, different events that were already in play, projects that were already in play.

To that extent, yes, work was being done. No actual changes to the system, at that point, were being done.

Q. But was there any actions taken, not to actually change the system, but action taken to eventually change the system at that time?

MR. LAKE: I'll just object. It's vague and ambiguous. And partially, it was asked and answered.

But go ahead, if you understand the question.

THE WITNESS: The action taken was just the conversations and the collaborative efforts to talk about what those -- those changes could look like.

BY MR. BRADY:

Q. So beyond conversations about adding the term "other" to the dropdown list of long guns on the DES system, no other action or work took place in DOJ, other than conversations, during the period of late 2019 into early 2020?

A. That is my recollection, correct.

Q. So the term "other" was eventually added to the dropdown list in DES, the long gun dropdown list in DES; is that correct?

A. Correct.

Q. All right. Do you recall when that was?

A. I believe it was October of 2020.

Q. October of 2020?

A. I believe so.

Q. So these conversations that were happening in late 2019, early 2020, about potentially changing DES to add the term "other," who was involved in those?

A. Well, I think I mentioned already, bureau subject matter experts, CJIS staff, specifically, the application and development bureau staff, various legal

staff, likely, the director of the Bureau of Firearms.

Q. So why did those conversations not materialize into action at that time to make the change to DES to add the term "other"?

A. Well, there's competing priorities that have to be analyzed. There's resource needs. There's funding. And then when you get into 2020, there's COVID and things that had to all be kind of weighted and factored into the decision of when new projects could be added on to what is already at play.

Q. Do you know who made the decision not to move forward with the change to DES at that time in early 2020?

MR. LAKE: Well, objection. It assumes facts not in evidence that any such decision occurred early in 2020. It's also vague and ambiguous as to what you mean by "early." But there's been no testimony about the exact time of when such a decision was even made or when it was made.

But go ahead, if you can.

BY MR. BRADY:

Q. Was a decision made -- I'll rephrase.

Was a die significance made to not move forward with a change to DES to add "other" to the long gun dropdown list in early 2020?

MR. LAKE: Again, same objection to the term "early 2020."

But go ahead.

THE WITNESS: Conversations were still ongoing. I don't recall a decision that it would not be done. It was still -- conversations were still ongoing and just managing all the different multiple priorities and the resource restraints.

BY MR. BRADY:

Q. Does DOJ assign levels of importance to changes that are being considered to DES?

A. Not sure what you mean by "levels of --

Q. Sure. So you said there are competing priorities. Is there somebody who assigns prioritize -- priority to any given proposal, proposed change to DES?

A. Typically, priorities are set by management staff, leadership within the Department. Things that'll take priority that have, you know, new legislative mandated time frames for implementation. Things of that nature where we're -- where we're tied to a specific date.

Q. So there's no system whereby DOJ says this change, this JIRA is of high priority? Medium? Low?

A. There is a functionality in the JIRA system to select a -- I guess, we'll call it a "priority level."

I don't know if that's what it's called in the JIRA system specifically. Staff, as I mentioned, enter those, so that doesn't necessarily mean that that is the Department's priority in that specific JIRA.

And JIRAs get logged for all the various different systems. We have to prioritize all the different requests and all the different legislative changes that are taking place at that time.

Q. Was a priority level given to the proposed change to add "other" to DES?

MR. LAKE: Object. That it's vague as to time.

THE WITNESS: I'm not familiar with that specific JIRA.

BY MR. BRADY:

Q. You're not -- you're not -- I'm sorry.

What was your?

A. Are you asking about when we did, in fact, add the "other" to the dropdown?

Q. No, I was talking about when the conversations were occurring in late 2019, early '20 -- early 2020.

Was there -- was a priority given to those conversations about how -- how quickly DOJ should decide that issue?

MR. LAKE: I just want to interpose an objection because you're misstating the prior testimony

change to add other to DES was finished in October of 2020; is that correct?

A. I did say that, but I believe I misstated, and it was October 2021.

Q. Okay. So you -- you were just misremembering the year; is that fair?

A. Yes.

Q. Okay. Now, does your -- does that change your testimony that conversations about making the change of adding other to the DES system, began in late 2019?

A. That does not change my testimony on that.

Q. Okay. So conversations began on whether to add other to the DES long gun dropdown list in 2000 -- the end of 2019, and a JIRA did not get created to begin that change until August 6, 2021; is that correct?

A. That's correct.

Q. Okay. Do you know who submitted this JIRA?

A. I am not sure if the reporter that is listed on the JIRA, is the person that submitted the JIRA. If that is the case, then it would be Christina Rosa-Robinson.

Q. Do you recall whether you played any role in submitting this JIRA?

A. No, I -- I would not have directed Christina to submit the JIRA. She works for CJIS.

Q. Okay. So if it was Christina who submitted this JIRA, does that mean that it would have -- the request would have been made by CJIS?

A. Not necessarily. Again, things are very situational sometimes, so it could have just been through the discussions, that she, you know, had the availability to submit the JIRA, based on the conversations that were taking place between the two bureaus. I don't --

Q. Do you recall? I'm sorry?

A. I don't recall who would have given her the direction, the explicit direction to log the JIRAs.

Q. Do you recall having conversations with her about this JIRA?

A. I do not recall.

Q. Would a request that somebody submit a JIRA, from higher up, would that generally be made, that request generally be made in writing?

A. Not necessarily, no.

Q. Are they ever made in writing?

A. Potentially, I -- I -- I'm not sure.

Q. You're not sure if you've ever seen a request for a JIRA made in writing?

A. It would be likely that there would be direction that, you know, please have so and so log a

JIRA for that, that type of communication.

Q. So on page 6 of Exhibit 45 in the comments, it says, "Other gun functionality is due to deploy on October 1st, 2021 with the second AWR registration and AWR other gun registration"; right?

A. Yes.

Q. So is it your understanding of that, that the update to the DES was happening simultaneously with the other gun assault weapon registration to be done to deploy by October 1st, 2021?

A. Yes.

Q. So going back to Exhibit 44, can you see Exhibit 44 on your screen now?

A. Yes, I can.

Q. Okay. Thank you.

On the very last page, there are three -- I'm sorry -- yeah, three headings; one is minimum viable product. Do you understand what that means?

A. Yes, I do.

Q. Can you explain, please?

A. Typically, it's used to reference, I'll say, the minimal amount of product to meet a specific mandate or expectation.

Q. Okay. Excuse me. So for the, like, specific task at hand, that's like the -- the bare minimum of

what needs to be done? Is that basically what it means?

A. Yes.

Q. Okay. So -- and then the next one down, it says, "requirement." Do you know what that means?

A. These are requirements of -- for the system, you know, what the system is required or what requirements should be included in the solution.

Q. And then -- excuse me -- impact.

Do you know what that means?

A. Appears to be impacts to systems or impact to outcomes.

Q. So under impact, the second item identified as D1.1, do you see that?

A. I do.

Q. It says, "Purpose code for other gun. Purpose codes have been modified since the original other gun project and will need to be revisited."

Do you see that?

A. Yes.

Q. Do you know what the original other gun project is that's being referenced there?

A. I -- I'm not sure of what this is referencing.

Q. Do you know who would know what that's referencing?

A. Probably, the individual that created this

document.

Q. And that would be Ms. Rosa-Robinson?

A. Appears she included that in this attachment. I don't know if she's the person that created the document.

Q. Going down to D1.8 under impact, it says, "DES firearm" -- "firearm type other will model gun type rifle." Do you see that?

A. I do see that.

Q. Do you know what that means?

A. I would take it to mean that it will follow the same flow of a rifle transaction, likely, with the same types of fields.

Q. So going back to -- excuse me -- Exhibit 45, the JIRA, and it had a commencement date or a submission date of August 6, 2021; correct?

A. Correct.

Q. To your knowledge, had any actions been taken to add the term "other" to the long gun dropdown list on DES prior to that date? Meaning, actions meaning, other -- something beyond conversations?

MR. LAKE: Object that it's been asked and answered.

But go ahead.

THE WITNESS: Not to my recollection, no.

MR. LAKE: Well, I'm just gonna object that it's overbroad. I'm -- we're just talking about the Title 1; right?

MR. BRADY: Sure.

MR. LAKE: You said whether --

BY MR. BRADY:

Q. Yeah, whether -- we can limit it to the Title 1.

Was Franklin Armory's ability to sell the Title 1 taken into account of these multiple factors?

A. We would have spoke to the Department's attorneys about those types of claims and that they're, in fact, there.

Q. So going to paragraph 9 of your declaration, Exhibit 46, it says, "ADB with CJIS undertook a review of what would be required to add the other option to the gun-type dropdown menu in the DES dealer long gun sale transaction type"; right? Do you see that?

I'm sorry. Did you respond, Ms. Mendoza?

A. I did, yes.

Q. Okay. Sorry. I didn't hear that.

When did ADB and CJIS undertake this review that you describe?

MR. LAKE: I'll just -- just to clarify, vague and ambiguous as to time.

Do you mean when they started? Or they completed it? Or just the entire time? Or something else?

BY MR. BRADY:

Q. When -- when did they start it?

MR. LAKE: Okay.

THE WITNESS: I can't speak to the exact date of when it started. It was somewhere in that late 2019, early 2020, timeframe.

BY MR. BRADY:

Q. And do you recall how long that review took?

A. I do not.

Q. Do you recall what it entailed?

A. What -- what the review entailed?

Q. Yes.

A. It would involve looking at what changes would be necessary, the length of work, the impact to projects, personnel, essentially, what's stated in that paragraph there.

Q. Apologies for the delay. There was a siren going by very loud, right outside my window, so wanted to spare everybody the --

MR. LAKE: Oh, okay. You're good.

MR. BRADY: Yeah, I put it on mute so you couldn't hear it.

MR. LAKE: Oh, okay.

MR. BRADY: That's why it was delayed.

BY MR. BRADY:

Q. So it says in the next sentence, "At some point ADB reported back that it would take many months to implement this enhancement and would require well over a dozen personnel, many of whom would have to be diverted from other projects." Do you see that?

A. Yes.

Q. Do you agree with that statement?

A. I do.

Q. When did ADB make this report back?

A. I don't know the exact date.

Q. Do you recall who from ADB made the report back?

A. I do not know specifically, no.

Q. Do you recall whether it was in writing? Or -- or verbal?

A. I do not.

Q. Do you know whether there are any documents documenting this report back?

A. Not to my recollection.

Q. So on what are you basing your statement in your declaration that ADB reported back?

A. My recollection of -- my recollection of events

of con- -- I don't wanna say "conversations," but I guess, my memory of the impacts to the -- to the workload to the potential project.

Q. So when you prepared this declaration, you were basing this statement about ADB saying it would take many months. That's based on your memory?

A. Correct.

Q. And the statement that ADB said it would require well over a dozen personnel, is there any written documentation supporting that statement?

MR. LAKE: Just going to interpose an objection as to time. I know we're talking about late 2019, 2020, but there's obviously testimony about the actual modification or enhancement that was done in 2021, and you -- you already have a lot of deposition testimony about how long that took. But it's -- not too get too far into it, but are you talking about all time? Or just specifically 2019, 2020?

MR. BRADY: I'm asking about in this statement in Ms. Mendoza's declaration --

MR. LAKE: Okay.

MR. BRADY: -- that says ADB reported back at some point, she doesn't recall when, that the enhancement would require over a dozen personnel.

MR. LAKE: Okay.

BY MR. BRADY:

Q. Was that statement made in writing? I'm sorry. Did you answer --

A. If I had an opportunity to go back and look at some, I might be able to find something in writing, but my recollection is based on my memory of the events back then, that because of the various systems that it would impact, is why it takes numerous personnel. The time that it would take, it would be very burdensome.

Q. So in preparing this statement in your declaration in saying, "Well over a dozen personnel would be required, according to ADB."

You were relying on your memory?

A. Correct.

Q. You did not consult any writings or anything in confirming that statement; is that correct?

A. Correct.

Q. So going to paragraph 10, it says, "ADB additionally explored the possibility of doing a DES enhancement that was reduced in scope temporary and applicable to only the Title 1 firearm."

You see that?

A. Correct.

Q. How do you know that ADB explored this possibility?

A. This is my recollection of what I mentioned earlier about potential of doing some sort of free-form field. Again, I don't remember all the -- the details of that temporary fix, but I remember that it had something to do with a -- like, a free-form field.

Q. You -- you mean, like, when you say "free-form field," you mean, in a dropdown menu of DES?

A. No. I -- and this -- I can't remember if it was part of, like, the comment field that is a free-form field within DES. I remember it was specific to we would advise dealers maybe to type in something specific related to the Franklin Armory Title 1.

I just remember it had to do with the free-form field, but I don't know if it -- I can't remember if it was the existing comment field that's already a free-form field.

Q. And -- and just to be clear, you're talking about a free-form field in DES; right?

A. Correct.

Q. Okay. And you describe that DES enhancement as a temporary one; right?

A. Correct.

Q. Why would it be temporary?

A. Temporary until they could implement the longer more permanent fix, which would be described in the

paragraph 9 of actually adding the other to the dropdown.

Q. Do you recall who in ADB was doing this analysis?

A. I believe, there's multiple people.

Q. Do you recall who any of them were? Or their titles?

A. I recall Rodney Smith, who's the director of the applicant development bureau. Cheryle Massaro, I don't know her exact title. Those are the two that are coming to mind on the ADB side.

Q. And you say that they were exploring a possible enhancement to DES applicable only to the Title 1 firearm; is that correct?

A. Correct.

Q. And what prompted that? What prompted an exploration of changing DES to only address the Title 1 firearm?

MR. LAKE: Just want to interpose an objection to the extent that it calls for attorney-client communications. And I'm, again, harkening back to my statement earlier in the deposition, of the timing if there was a government claim had been presented and a threat of a damages lawsuit in this timeframe.

Go ahead and answer, if you know.

THE WITNESS: I -- I'll refer to what Mr. Lake just explained, that the threat of lawsuit prompted us looking into whether there was possible solutions.

BY MR. BRADY:

Q. So DOJ was aware of Franklin Armory's issue with the Title 1 in DES when ADB was considering changes to the DES to account for other firearms; is that correct?

MR. LAKE: It's asked and answered.

But go ahead.

THE WITNESS: Let me make sure I understand your question. At the time that ADB was looking into these, we were aware of the potential or the threat of -- of lawsuit, which is correct, yes. So we were aware of the Franklin Armory Title 1.

BY MR. BRADY:

Q. Thank you.

Is this ADB potential option that it explored in writing anywhere, to your knowledge?

A. Potentially.

Q. Did you consult any writing about that in -- in drafting paragraph 10 of your declaration?

A. No, I did not.

Q. So you're basing that off memory, as well?

A. Correct.

Q. So in the next sentence, it says, "Under this proposal, a permanent enhancement would be implemented at a later date"; is that right?

A. Correct.

Q. What would be the difference between a temporary enhancement being proposed and the permanent enhancement?

MR. LAKE: Object. It's asked and answered.

Go ahead.

THE WITNESS: So the difference would be one used, utilizing fields that already exist in DES versus adding to the dropdown for the permanent fix. Scope of work is different. Time to implement is different.

BY MR. BRADY:

Q. Okay. ADB estimated such an enhancement would take a few months; is that right?

A. For the temporary fix, correct.

Q. Is that -- oh, that's with respect to the temporary fix, would take a few months?

A. Correct.

Q. Okay. Because it comes after -- okay. It comes after a discussion of permanent enhancement, but you're -- you're -- that was, like, the permanent enhancement discussion was sort of just a -- an explanation of the temporary fix, and then you're

continuing on your discussion in the next sentence about the temporary fix; is that right?

A. Yes, that statement was intended for the temporary fix.

Q. Got it. And are you basing that on your recollection as well?

A. Correct.

Q. So in the next sentence, it says, "ADB advised that this proposal would present operational difficulties in properly recording the sales and transfers of the Title 1 firearm in the DES until a permanent enhancement was implemented."

Do you see that?

A. Yes.

Q. Do you recall what operational difficulties ADB identified?

A. My recollection is, because the temporary fix was utilizing a free-form field where dealers could, essentially, type in anything, that it would make it very difficult for us to be able to track those firearms and identify those firearms in the systems.

Q. And that's your recollection again?

A. Correct.

Q. You didn't consult any writing in making this statement in your declaration?

A. Correct.

Q. Okay. And the next sentence, "Such operational difficulties would have raised significant public safety concerns." Do you see that?

A. Yes.

Q. What public safety concerns were there?

A. Public safety concerns of not being able to identify these records in the system, to not be able to track them and go -- be able to research them after the fact. There's a potential for miss typings and errors and how we might direct dealers to enter the information, making it difficult.

Q. So going back up to paragraph 4 of your declaration, in the penultimate sentence of paragraph 4.

Sorry. I couldn't resist.

It says --

MR. LAKE: I have to Google that word.

THE WITNESS: Yeah.

MR. BRADY: I'm not making up words.

I promise.

MR. LAKE: Go ahead.

BY MR. BRADY:

Q. The -- the second to last sentence in paragraph 4 of your declaration, it says, "In my experience at any given time, there are numerous pending

requests for enhancements to be made total DES."

Do you see that?

A. Yes.

Q. Is there a chart or a log or some document that identifies the number of pending requests at any given time about pending requests to be made to the DES?

A. I believe, the JIRA system has the ability to track that information and filter that information.

Q. Are you aware of any other system, outside of JIRA, that would be able to track pending requests to change DES?

A. No, that would be the inclusive program that would track everything.

Q. So the next sentence, the last sentence of that paragraph, it says, "Such request can arise from, among other things, new or amended statutes, new or amended regulations, court decisions and technological advancements, to name a few."

Do you see that?

A. I do.

Q. Do you recall whether, during mid 2019 until May 2020, if there was any new or amended statutes that would affect DES?

MR. LAKE: I'll just object to the extent I think it's been asked and entered, at least partially.

But go ahead.

THE WITNESS: So my recollection is there were multiple legislative changes. One that comes to mind is related to the mental health and the two 5150s within a 12-month period. That went into effect January 1, 2020. I think it's AB 1968, if I remember correctly.

Again, I think I stated earlier, I believe this was also a period of time in which we were working through the bullet button assault weapon challenges and the potential of opening -- reopening that registration period.

Did I complete your question? Sorry. Were you --

BY MR. BRADY:

Q. Yes. Yes. You -- assuming that's the --

A. Yes.

Q. -- extent of your recollection of what was -- then, yes.

Okay. Moving to the next paragraph, paragraph 5 of your declaration, Exhibit 46, says, "In my role as assistant bureau chief, I may be involved in the discussions relating to DES enhancement requests. Such discussions and the decisionmaking process as to whether to move forward with the DES enhancement, are often collaborative and often involve the Bureau, ADB,

STATE OF IDAHO)
) ss:
COUNTY OF KOOTENAI)

I, KATIE HUFSTETLER, do hereby certify:

That I am a duly qualified Certified Shorthand Reporter, for the State of California, holder of certificate number 13483, which is in full force and effect and that I am authorized to administer oaths and affirmations;

That the foregoing deposition testimony of the herein named witness was taken before me at the time and place herein set forth;

That prior to being examined, the witness named in the foregoing deposition, was duly sworn or affirmed by me, to testify the truth, the whole truth, and nothing but the truth;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me, and were thereafter transcribed under my direction and supervision;

That the foregoing pages contain a full, true and accurate record of the proceedings and testimony to the best of my skill and ability;

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name this 12th day of June, 2024.

KATIE HUFSTETLER, CSR No. 13483

Franklin Armory v. California Department of Justice, et al.
Los Angeles Superior Case 20STCP01747

I, Allison Mendoza, have reviewed and approved the transcript of my deposition taken on June 7, 2024, with the exception of the following corrections of typos, misspellings and/or punctuation:

Page 15, line 19: change "staffers" to "staff"

Page 17, line 6: change "who" to "that"

Page 24, line 22, change "of" to "or"

Page 25, line 23, add comma after "needs"

Page 26, line 5, change "apart" to "a part"

Page 35, line 24, change "Louie" to "Luis"

Page 36, line 9 and 11, change "Louie" to "Luis"

Page 83, line 10, change "wasn't" to "was"

Page 92, line 11, change "yes" to "as"

Page 107, line 8, change "weighted" to "weighed"

Page 107, line 23, apparent error in question language "die significance" which likely should be "decision"

Page 115, line 23, change "avid" to "added"

Page 147, line 1, change "total" to "to the"

Page 149, line 3, change "director at" to "Directorate"

Page 150, line 25, delete period, change comma to period. Line should be "consult with attorneys whether it's mandatory. I"

Page 154, line 1, change "material" to "the JIRA"

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 25, 2024.

Allison Mendoza

Allison Mendoza

C.D. Michel – SBN 144258
Jason A. Davis – SBN 224250
Anna M. Barvir – SBN 268728
Konstadinos T. Moros – SBN 306610
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd, Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445
Email: CMichel@michellawyers.com

Attorneys for Petitioners - Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

FRANKLIN ARMORY, INC., et al., Petitioners-Plaintiffs, v. CALIFORNIA DEPARTMENT OF JUSTICE, et al., Respondents-Defendants.	Case No.: 20STCP01747 [Assigned for all purposes to the Honorable Daniel S. Murphy; Department 32] **AMENDED NOTICE OF DEPOSITION OF ALLISON MENDOZA** Action filed: May 27, 2020

DEPOSING PARTY:	Plaintiffs Franklin Armory, Inc. and California Rifle & Pistol Association, Incorporated
DEPONENT:	Allison Mendoza
DATE & TIME:	June 7, 2024 at 10:00 a.m. Pacific Time
LOCATION:	Remote via Zoom

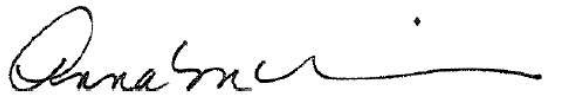
EXHIBIT 41

PLEASE TAKE NOTICE that Petitioners-Plaintiffs will take the deposition of Defendant California Department of Justice employee, Allison Mendoza. The deposition will commence at **10:00 a.m. Pacific Time** on **June 7, 2024**, and will be taken by remote means pursuant to Code of Civil Procedure section 2025.310. Such deposition will be taken before an officer authorized to administer oaths in the State of California, and will continue from day to day thereafter, excluding Saturdays, Sundays, and holidays until completed, or until seven hours of deposition has occurred.

YOU ARE FURTHER NOTIFIED THAT the deposing party intends to cause the proceedings to be recorded stenographically. The deposing party reserves the right to record the deponent's testimony by audiotape, videotape, or by real-time transcription, or any combination thereof, pursuant to California Code of Civil Procedure section 2025.220(a)(5), and to use such recorded testimony at the trial of this matter, or any other proceeding or hearing herein.

Date: May 14, 2024

MICHEL & ASSOCIATES, P.C.



Anna M. Barvir
Attorneys for Petitioners-Plaintiffs

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

On May 14, 2024, I served the foregoing document(s) described as

AMENDED NOTICE OF DEPOSITION OF ALLISON MENDOZA

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

Kenneth G. Lake
Deputy Attorney General
Email: Kenneth.Lake@doj.ca.gov
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Attorney for Respondents-Defendants

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

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

Executed on May 14, 2024, at Long Beach, California.

Laura Palmerin

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
DF-46 (REV 02/20)

Fiscal Year	Business Unit	Department	Priority No.
2020-21	0820	Department of Justice	

Budget Request Name	Program	Subprogram
0820-096-BCP-2020-MR	Division of Law Enforcement, California Justice Information Services Division	Bureau of Firearms, Hawkins Data Center

Budget Request Description
"Other" Firearm Registration

Budget Request Summary
The Department of Justice requests $128,000 Dealers' Record of Sale Special Account in 2020-21, $862,000 in 2021-22, and $14,000 annually thereafter to regulate assault weapons that are currently not defined as a rifle, pistol, or shotgun. This proposal intends to fix current loopholes in statute that allow manufacturers to make weapons that circumvent the intention of assault weapon laws. The Department of Justice also requests trailer bill language necessary to implement this proposal.

Requires Legislation	Code Section(s) to be Added/Amended/Repealed
☒ Yes ☐ No	Penal Code sections 30515, 30685, 30900, and 30955

Does this BCP contain information technology (IT) components? ☒ Yes ☐ No *If yes, departmental Chief Information Officer must sign.*	Department CIO Joe Dominic	Date 5/14/2020

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project No. Click or tap here to enter text. **Project Approval Document:** Click or tap here to enter text.

Approval Date: Click or tap to enter a date.

If proposal affects another department, does other department concur with proposal? ☐ Yes ☐ No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By	Date	Reviewed By	Date
Allison Mendoza	5/14/2020	Edward Medrano	5/14/2020
Department Director	**Date**	**Agency Secretary**	**Date**
Chris Ryan	5/14/2020		

Department of Finance Use Only

Additional Review: ☐ Capital Outlay ☐ ITCU ☐ FSCU ☐ OSAE ☐ CALSTARS ☐ Dept. of Technology

PPBA	Date submitted to the Legislature
Emma Jungwirth	5/14/2020

EXHIBIT
42

Analysis of Problem

A. Budget Request Summary

The Department of Justice (DOJ) requests $128,000 Dealers' Record of Sale Special Account in 2020-21, $862,000 in 2021-22, and $14,000 annually thereafter to regulate assault weapons that are currently not defined as a rifle, pistol, or shotgun. This proposal intends to fix current loopholes in statute that allow manufacturers to make weapons that circumvent the intention of assault weapon laws. The DOJ also requests trailer bill language necessary to implement this proposal.

B. Background/History

Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, "assault weapon" means, among other things, a semiautomatic centerfire rifle or a semiautomatic pistol that has the capacity to accept a detachable magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a second handgrip.

Existing law requires that, with specified exceptions, any person who, prior to December 31, 2016, lawfully possessed an assault weapon prior to the date it was defined as an assault weapon, and which was not specified as an assault weapon at the time of lawful possession, register the firearm with DOJ.

Chapter 48, Statutes of 2016 (SB 880) and Chapter 40, Statutes of 2016 (AB 1135) require any person who possessed an assault weapon that did not have a fixed magazine and an additional feature, as defined in Penal Code section 30515, from January 1, 2001 to December 31, 2016, to register the firearm with DOJ.

Under current law, it is possible to legally purchase and possess a firearm that has all of the features of a banned assault weapon, such as a forward pistol grip or grenade launcher, without registering it with DOJ, due to a loophole that requires assault weapons to be defined as either a rifle, pistol or shotgun. This represents a public safety risk as the Legislature has deemed such firearms as a danger to the state and have continually attempted to prevent the sale and possession of these kinds of firearms from the public.

Firearms that DOJ seeks to prohibit in the proposed trailer bill language are those with features of a banned assault weapon that are not legally defined as a rifle, pistol, or shotgun, and thus do not fall under the current definition of an assault weapon and registration requirements. This legislation seeks to address this loophole in the law by prohibiting the sale and possession of these firearms, commencing July 1, 2020, unless an individual registers the firearm with DOJ. The proposed trailer bill language also revises the definition of assault weapon to include any firearm that is not a rifle, pistol or shotgun, does not have a fixed magazine and an additional feature, as specified in Penal Code section 30515.

Analysis of Problem

Resource History
(Dollars in thousands)

Division of Law Enforcement – Bureau of Firearms

Program Budget	PY – 4	PY – 3	PY – 2	PY-1
Authorized Expenditures	$25,856	$27,050	$30,965	$31,347
Actual Expenditures	$24,099	$26,498	$29,401	$30,648
Authorized Positions	174	199	243	235
Filled Positions	150	174	198	176
Vacancies	24	25	45	59

Division of California Justice Information Services – Hawkins Data Center

Program Budget	PY – 4	PY – 3	PY – 2	PY-1
Authorized Expenditures	$54,719	$55,081	$60,961	$62,029
Actual Expenditures	$52,389	$53,290	$58,594	$60,885
Authorized Positions	308	312	326	323
Filled Positions	257	266	266	278
Vacancies	51	46	60	45

Workload History

Workload Measure	2017-18
Assault weapons registered (SB 880 & AB 1135)	64,000

C. State Level Consideration

The Bureau of Firearms serves the people of California through education, regulation, and enforcement actions regarding the manufacturing, sale, ownership, safety training, and transfer of firearms. Bureau of Firearms staff are leaders in providing firearms expertise and information to law enforcement, legislators, and the public in a comprehensive program to promote legitimate and responsible firearms possession and use by California residents. The proposed trailer bill language will require DOJ to implement and regulate a new registration program.

D. Justification

The proposed trailer bill language will require individuals to register their firearms with assault weapon features with DOJ before January 1, 2022, but not before the effective date of the regulations prescribing the requirements of the registration period.

Analysis of Problem

DOJ estimates that there will be roughly 10,000 to 15,000 firearms registered by approximately 3,000 to 5,000 applicants. It is estimated that these registrations will result in revenue of approximately $100,000 to $150,000, which will not be sufficient to cover the costs associated with administering the registration program, however, the Dealers' Record of Sale Special Account is anticipated to have sufficient revenue to support this proposal.

Implementation of this new program will require funding to allow DOJ to hire 7 limited-term positions (6 Crime Analyst Is, Range B and 1 Crime Analyst II), as well as overtime hours from a Special Agent Supervisor and Office Technician in the Bureau of Firearms to address the new workload. The positions and overtime hours are required beginning July 1, 2021 through June 30, 2022.

The scope of work for the 6 Crime Analyst Is includes processing of the assault weapon registrations which includes ensuring firearms meet the prescribed characteristics to qualify for the registration period, as well as conducting analyses of criminal history and background/clearance checks on applicants to determine if the applicant may possess a firearm. These functions involve inquiries into various database systems, the request and review of various files, and contact with other entities to verify any firearms prohibiting records.

The scope of work for the Crime Analyst II is primarily as a trainee and lead analyst. This would include training the Crime Analyst Is on how to analyze a criminal record and determine an applicant's eligibility to own or possess a firearm, and providing guidance on the more complex firearm eligibility background checks.

Overtime of 184 hours from a Special Agent Supervisor is required to train the Crime Analysts I on assault weapon identification and review any unusual or niche firearms for legality.

Overtime of 300 hours from an Office Technician is necessary to handle the payment processing of applications, including ensuring applicants have included a check for the correct amount and preparing the checks for deposit, and mailing applicable letters to the applicant, and maintaining workload statistics.

Implementation of this bill will also require temporary help hours in the Hawkins Data Center to address the information technology impacts of the statutory change. The staff hours are required beginning January 1, 2021 through July 1, 2021.

The scope of work for an Information Technology Specialist I (1,090 hours) includes developing the online web application and ensuring that the application runs correctly.

The scope of work for an Information Technology Specialist II (1,090 hours) includes developing the online web application and integrating the information with existing firearms applications, such as the assault weapon registration portal.

Additionally, ongoing funding is required for increased data storage costs beginning in 2020-21.

E. Outcomes and Accountability

This proposal seeks to effectively close the current assault weapon registration loophole, resulting in increased public safety and the reduced risk of a prohibited person gaining possession of an assault weapon.

Analysis of Problem

Projected Outcomes

Bureau of Firearms Workload:

Workload Measure	Task	Workload Standard (Hours)	Number of Occurrence per Year	Total Hours Workload	Positions
Crime Analyst I	Open and Sort Mail	0.18	9,100	1,638	
	Process Assault Weapon Registrations	0.33	10,000	3,300	
	Processing Rejected Applications	0.50	1,600	800	
	Communicating with Applicants	0.33	1,600	528	
	Processing Resubmitted Applications	0.33	40,00	1,320	
	Meetings	4.00	260	1,040	
	Processing Background Check	0.07	3,500	245	
	Research/Follow up with courts	2.00	105	210	
	Send out Confirmation/Rejection Letters	0.06	3,500	203	
	Returning Incomplete Applications	0.10	2,100	210	
	Entering Firearm Information	0.10	9,000	900	
			Grand Total:	**10,394**	**5.85**
Crime Analyst II	Training	200	5	1,000	
	Verify Trainee's Work	0.05	18.75	938	
			Grand Total:	**1,938**	**1.09**
Special Agent Supervisor	Training CA Is on Assault Weapon Identification	40	2	80	N/A
	Verify Firearm for Legality	0.16	650	104	
			Grand Total:	**184**	**N/A**
Office Technician	Remove Check from Application, Photocopy	0.02	9,000		N/A
	Prepare Check for Deposit	0.02	9,000		
			Grand Total	**300**	**N/A**

Hawkins Data Center Workload:

Workload Measure	Task	Workload Standard (Hours)	Number of Occurrence per Year	Total Hours Workload	Positions
Information Technology Specialist I (Range C)	Web Form Development				N/A
			Grand Total:	**1,090**	**N/A**
Information Technology Specialist II	Web Form Development; Integration with existing systems				N/A
			Grand Total:	**1,090**	**N/A**

Analysis of Problem

F. Analysis of All Feasible Alternatives

Alternative One – Approve the requested Trailer Bill Language and Resources
Approve $128,000 Dealers' Record of Sale Special Account in 2020-21, $862,000 in 2021-22, and $14,000 annually thereafter to regulate assault weapons that are currently not defined as a rifle, pistol, or shotgun. In addition, approve the requested trailer bill language.

Alternative Two – Approve the requested Trailer Bill Language without the necessary funding
Approving the requested language would allow DOJ to impose the necessary registration requirements for this type of firearm. However, without the requested resources necessary to process the registrations and modify the internet website, DOJ would be in a precarious position, and would need to redirect resources from other critical public safety programs. This option is not feasible and would pose public safety risks in other critical areas.

Alternative Three – Do not approve the requested Trailer Bill Language or resources
Without the requested language and resources, the public will be at great risk of these assault-style weapons being sold and used in the commission of a crime or obtained by a prohibited person. This option is not in line with the mission of DOJ or the safety of the communities and individuals within this State.

G. Implementation Plan

Upon approval, DOJ will immediately begin the necessary hiring processes.

H. Supplemental Information

Attachment 1 - Other Firearm Registration Proposed Trailer Bill Language

I. Recommendation

Alternative One – Approve the requested Trailer Bill Language and Resources
Approve
$128,000 Dealers' Record of Sale Special Account in 2020-21, $862,000 in 2021-22, and $14,000 annually thereafter to regulate assault weapons that are currently not defined as a rifle, pistol, or shotgun. In addition, approve the requested trailer bill language.

Proposed Trailer Bill Language
Other Firearm Registration

Penal Code section 30515 is amended to read:

(a) Notwithstanding Section 30510, "assault weapon" also means any of the following:

(1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(B) A thumbhole stock.

(C) A folding or telescoping stock.

(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

(2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that does not have a fixed magazine but has any one of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(B) A second handgrip.

(C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

(A) A folding or telescoping stock.

(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that ~~has the ability to accept a detachable magazine~~ does not have a fixed magazine.

(8) Any shotgun with a revolving cylinder.

(9) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that does not have a fixed magazine, but that has any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(B) A thumbhole stock.

Proposed Trailer Bill Language
Other Firearm Registration

(C) A folding or telescoping stock.

(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

(G) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(H) A second handgrip.

(I) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.

(J) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(10) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has a fixed magazine with the capacity to accept more than 10 rounds.

(11) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has an overall length of less than 30 inches.

(b) For purposes of this section, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) The Legislature finds a significant public purpose in exempting from the definition of "assault weapon" pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of "assault weapon" pursuant to this section are exempt, as provided in subdivision (d).

(d) "Assault weapon" does not include either of the following:

(1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (c):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG

HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

(3) The Department of Justice shall create a program that is consistent with the purposes stated in subdivision (c) to exempt new models of competitive pistols that would otherwise fall within the definition of "assault weapon" pursuant to this section from being classified as an assault weapon. The exempt competitive pistols may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid application.

Penal Code section 30685 is added to read:

Exception to assault weapon prohibition for possession of assault weapon prior to July 1, 2020.

Section 30605 does not apply to the possession of an assault weapon as defined by paragraphs (9), (10), or (11) of subdivision (a) of Section 30515 by a person who has possessed the assault weapon prior to July 1, 2020, if all of the following are applicable:

(a) Prior to July 1, 2020, the person would have been eligible to register that assault weapon pursuant to subdivision (c) of Section 30900.

(b) The person lawfully possessed that assault weapon prior to July 1, 2020.

(c) The person registers the assault weapon by January 1, 2022 in accordance with subdivision (c) of Section 30900.

Penal Code section 30900 is amended to read:

(a) (1) Any person who, prior to June 1, 1989, lawfully possessed an assault weapon, as defined in former Section 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989, shall register the firearm by January 1, 1991, and any person who lawfully possessed an assault weapon prior to the

date it was specified as an assault weapon pursuant to former Section 12276.5, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended by Section 1 of Chapter 874 of the Statutes of 1990 or Section 3 of Chapter 954 of the Statutes of 1991, shall register the firearm within 90 days with the Department of Justice pursuant to those procedures that the department may establish.

(2) Except as provided in Section 30600, any person who lawfully possessed an assault weapon prior to the date it was defined as an assault weapon pursuant to former Section 12276.1, as it read in Section 7 of Chapter 129 of the Statutes of 1999, and which was not specified as an assault weapon under former Section 12276, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, or former Section 12276.5, as added by Section 3 of Chapter 19 of the Statutes of 1989 or as amended at any time before January 1, 2001, shall register the firearm by January 1, 2001, with the department pursuant to those procedures that the department may establish.

(3) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the full name, address, date of birth, and thumbprint of the owner, and any other information that the department may deem appropriate.

(4) The department may charge a fee for registration of up to twenty dollars ($20) per person but not to exceed the reasonable processing costs of the department. After the department establishes fees sufficient to reimburse the department for processing costs, fees charged shall increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act but not to exceed the reasonable costs of the department. The fees shall be deposited into the Dealers' Record of Sale Special Account.

(b) (1) Any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined in Section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool, shall register the firearm before July 1, 2018, but not before the effective date of the regulations adopted pursuant to paragraph (5), with the department pursuant to those procedures that the department may establish by regulation pursuant to paragraph (5).

(2) Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the department.

(3) The registration shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number.

(4) The department may charge a fee in an amount of up to fifteen dollars ($15) per person but not to exceed the reasonable processing costs of the department. The fee shall be paid by debit or credit card at the time that the electronic registration is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account to be used for purposes of this section.

(5) The department shall adopt regulations for the purpose of implementing this subdivision. These regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(c) (1) Any person who, prior to July 1, 2020 , lawfully possessed an assault weapon as defined by paragraphs (9), (10), or (11) of subdivision (a) of Section 30515, and is eligible to register an assault

weapon as set forth in Section 30950, shall submit an application to register the firearm before January 1, 2022, but not before the effective date of the regulations adopted pursuant to paragraph (5), with the department pursuant to those procedures that the department may establish by regulation pursuant to paragraph (5).

(2) Registration applications shall be submitted in a manner and format to be specified by the department in regulations adopted pursuant to paragraph (5).

(3) The registration application shall contain a description of the firearm that identifies it uniquely, including all identification marks, the date the firearm was acquired, the name and address of the individual from whom, or business from which, the firearm was acquired, as well as the registrant's full name, address, telephone number, date of birth, sex, height, weight, eye color, hair color, and California driver's license number or California identification card number, and any other information that the department may deem appropriate. The registration application shall also contain photographs of the firearm, as specified by the department in regulations adopted pursuant to paragraph (5).

(4) For each registration application, the department may charge a fee that consists of (A) the amount the department is authorized to require a dealer to charge each firearm purchaser under subdivision (a) of Section 28233, not to exceed the reasonable processing costs of the department; and (B) the amount sufficient to cover the public education campaign costs of the department. For registration applications seeking to register multiple firearms, the fee shall increase by five dollars ($5) for each additional firearm after the first. The fee shall be paid in a manner specified by the department in regulations adopted pursuant to paragraph (5) at the time the registration application is submitted to the department. The fee shall be deposited in the Dealers' Record of Sale Special Account to be used for purposes of this section.

(5) The department shall adopt regulations for the purpose of implementing this subdivision and paragraphs (9), (10), and (11) of subdivision (a) of Section 30515. These regulations are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

Penal Code section 30955 is amended to read:

(a) Except as provided in subdivision (b),
~~T~~the department's registration procedures shall provide the option of joint registration for any assault weapon or .50 BMG rifle owned by family members residing in the same household.

(b) For registration of assault weapons in accordance with subdivision (c) of Section 30900, joint registration is not permitted.

SEC. X.
No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

BCP Fiscal Detail Sheet

BCP Title: "Other" Firearm Registration

BR Name: 0820-096-BCP-2020-MR

Budget Request Summary

Personal Services

Personal Services	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
Salaries and Wages Earnings - Permanent	0	0	392	0	0	0
Salaries and Wages Earnings - Temporary Help	0	94	14	0	0	0
Salaries and Wages Overtime/Other	0	0	12	0	0	0
Total Salaries and Wages	**$0**	**$94**	**$418**	**$0**	**$0**	**$0**
Total Staff Benefits	0	7	175	0	0	0
Total Personal Services	**$0**	**$101**	**$593**	**$0**	**$0**	**$0**

Operating Expenses and Equipment

Operating Expenses and Equipment	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
5301 - General Expense	0	15	170	2	2	2
5302 - Printing	0	0	2	0	0	0
5304 - Communications	0	0	15	0	0	0
5306 - Postage	0	0	2	0	0	0
5320 - Travel: In-State	0	0	22	0	0	0
5322 - Training	0	0	7	0	0	0
5324 - Facilities Operation	0	0	25	0	0	0
5346 - Information Technology	0	12	26	12	12	12
Total Operating Expenses and Equipment	**$0**	**$27**	**$269**	**$14**	**$14**	**$14**

Total Budget Request

Total Budget Request	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
Total Budget Request	**$0**	**$128**	**$862**	**$14**	**$14**	**$14**

Fund Summary

Fund Source

Fund Source	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
State Operations - 0460 - Dealers Record of Sale Special Account	0	128	862	14	14	14
Total State Operations Expenditures	**$0**	**$128**	**$862**	**$14**	**$14**	**$14**
Total All Funds	**$0**	**$128**	**$862**	**$14**	**$14**	**$14**

Program Summary

Program Funding

Program Funding	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
0440046 - Firearms	0	0	848	0	0	0
0445010 - O. J. Hawkins Data Center	0	128	14	14	14	14
9900100 - Administration	0	15	103	2	2	2
9900200 - Administration - Distributed	0	-15	-103	-2	-2	-2
Total All Programs	**$0**	**$128**	**$862**	**$14**	**$14**	**$14**

Personal Services Details

Salaries and Wages

Salaries and Wages	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
0109 - Crime Analyst I (Eff. 07-01-2021)	0	0	332	0	0	0
0110 - Crime Analyst II (Eff. 07-01-2021)	0	0	60	0	0	0
OT00 - Overtime (Eff. 07-01-2021)	0	0	12	0	0	0
TH00 - Temporary Help (Eff. 07-01-2021)	0	94	14	0	0	0
Total Salaries and Wages	**$0**	**$94**	**$418**	**$0**	**$0**	**$0**

Staff Benefits

Staff Benefits	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
5150900 - Staff Benefits - Other	0	7	175	0	0	0
Total Staff Benefits	**$0**	**$7**	**$175**	**$0**	**$0**	**$0**

Total Personal Services

Total Personal Services	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
Total Personal Services	**$0**	**$101**	**$593**	**$0**	**$0**	**$0**

THE DAVIS LAW FIRM

Orange County Office: 27201 Puerta Real, Suite 300, Mission Viejo, California 92691
Temecula Office: 42690 Rio Nedo, Suite F, Temecula, California 92590
Tel: 866-545-4867 / Fax: 888-624-4867 / CalGunLawyers.com

October 24, 2019

Xavier Becerra
Attorney General
Attorney General's Office
California Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Via E-Mail and U.S. Mail

Re: FRANKLIN ARMORY, INC. – DES "GUN TYPE" DROP DOWN LIST
- DOJ'S DEFACTO BAN OF NON-RIFLE / NON-SHOTGUN LONG GUNS

Dear Attorney General Becerra,

I write on behalf of Franklin Armory, Inc. ("Franklin Armory®") regarding their inability to process the transfer of firearms within the State of California due to design limitations of the California Department of Justice Dealer Record of Sale Entry System ("DES").

As is detailed below, the limitations of the DES prevent the lawful acquisition, transfer, and/or sale of firearms that fall outside the bounds of pistol, rifle, and/or shotgun – a category of firearms that have a long history of use within the state. Such technological restrictions are preventing my client from selling, transferring, and/or delivering their lawful products, such as their recently announced Title 1™ firearm and firearms configured with their CSW® California Compliance Kit as well as violate their First, Second, and Fourteenth Amendments to the United States Constitution, and California State law, causing damages to Franklin Armory®.

PROCEDURAL HISTORY

California Penal Code section 26500 prohibits any person from selling a firearm within the State of California unless the person is licensed by the State to sell firearms, some exceptions apply. Penal Code section 26535 exempts transfers between manufacturers of firearms, such as Franklin Armory® and licensed California firearms dealers. Thus, California residents seeking to acquire firearms must do so through licensed California firearms dealers.

In part, the requirement that all firearm generally be processed through a licensed California firearms dealer is designed to mandate that the licensed dealers gather information necessary to perform background checks on the applicants and information relating to the firearm for firearm registration purposes. Regarding the latter, Penal Code section 28160 mandates that "for all firearms, the register or record of transfer shall include all of the following [information relating to the firearm]:

EXHIBIT 43

***

(2) The **make** of firearm.

***

(7) **Manufacturer's name** if stamped on the firearm.
(8) **Model** name or number, if stamped on the firearm.
(9) **Serial** number, if applicable.
(10) **Other number**, if more than one serial number is stamped on the firearm.
(11) **Any identification number or mark assigned** to the firearm pursuant to Section 23910.
(12) If the firearm is not a handgun and does not have a serial number, identification number, or mark assigned to it, a notation as to that fact.
(13) **Caliber**.
(14) **Type of firearm**.
(15) If the firearm is **new or used**.
(16) **Barrel length**.
(17) **Color** of the firearm.

Penal Code section 28155 mandates that the Department of Justice prescribe the form of the register and the record of electronic transfer pursuant to Section 28105. And, Penal Code section 28105 mandates that "the Department of Justice shall develop the standards for all appropriate electronic equipment and telephone numbers to effect the transfer of information to the department."

In response, the Department of Justice created the DES. In designing and developing the DES, however, the Department of Justice elected to implement a closed system that utilizes drop down lists instead if open field for certain data entries. As described in the DES User's Guide, the process for entering the sale of a long gun is, in part, as follows:

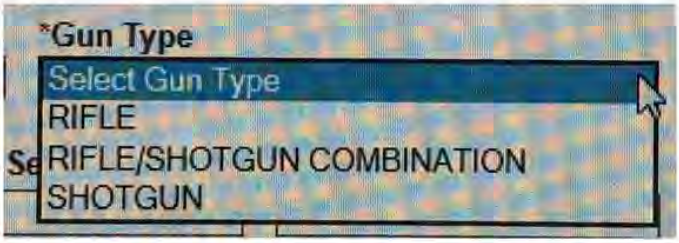
Dealer Long Gun Sale
Select the ***Dealer Long Gun Sale*** transaction type when a Long Gun is being purchased from a dealer.
To submit a Dealer Long Gun Sale transaction:
1) From the *Main Menu* page, select the **Submit DROS** link. The *Select Transaction Type* page will display.
2) Select the **Dealer Long Gun Sale** link. The *Submit Dealer Long Gun Sale* form will display.
3) Enter the Purchaser Information (see Entering Purchaser and Seller Information above).
4) Enter the Transaction and Firearm Information as follows:

***

j. **Gun Type –** Select the type of long gun from the Gun Type drop down list.

***

Though the DES User's Guide is void of any information relating to the available Gun Types listed in the dropdown list, at the time of this writing the list consisted of the following options:



Unfortunately, this list is incomplete and fails to include options for the many long guns that are neither "Rifles" nor "Shotguns."

This defect could have been prevented by including within the list the various types of other long guns, or simply including a single catch-all within the list such as "Other."

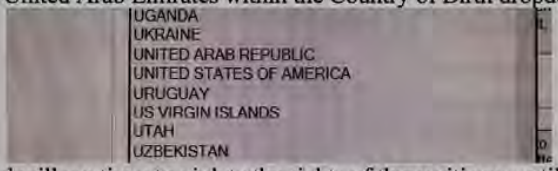
This defect, however, has severely impacted my client's business and reputation. On or about October 15, 2019, Franklin Armory® announced their new product, Title 1™, which generated a substantial amount of interest. Soon after the announcement, Franklin Armory® was notified by licensed California firearm dealers that they would not be able to transfer the firearms due to technological limitations of the DES.

As a result, Franklin Armory® is unable to fulfill its orders, which continue to accrue daily. Franklin Armory® anticipates that even the delay of a few months in the correction of the system will result in the loss of approximately $2,000,000 in profits, if not more.

As a result, Franklin Armory® President Jay Jacobson has been in contact and requested that the DES be corrected immediately to prevent the loss of sales and to preserve the reputation of Franklin Armory® within the industry and among its consumers. He has been advised that the Department of Justice is working on correcting the issue but was also informed that no timeline for the correction of the defect has been established. As such, this letter serves to both reiterate the importance of correcting the defect in the DES expediently, and to express and preserve legal and financial the impact that the defect has on Franklin Armory®.

ADDITIONAL ETHNICITY BASED OMISSION DEFECTS IN THE DES

It is important to note that the "gun type" omission is not the only defect relating to errors and omissions in the DES's dropdown list. At the time of this writing, the DES's technical limitations prevent any person born in the United Arab Emirates from purchasing firearms, even if they are United States Citizens who are not otherwise prohibited from possessing firearms. This defect and violation of rights based upon ethnicity occurs due to a similar failure to include the United Arab Emirates within the Country of Birth dropdown list in the DES:



This glaring omission has and will continue to violate the rights of those citizens until this defect is corrected.

CONSTITUTIONAL VIOLATIONS

DUE PROCESS

The Due Process Clause of the Fourteenth Amendment of the Constitution of the United States forbids the several States from depriving any person of life, liberty, or property without due process of law. Under color of state law, the Department of Justice is subjecting Franklin Armory®, it's dealers, and its citizens to a deprivation of liberty and property without due process of law.

The defect within the DES essentially bans the sale, acquisition, transfer, delivery, and possession of lawful product in violation of the Due Process Clause doctrine. The ban forbids expression without giving fair notice of what is forbidden; as such, it is an unconstitutional deprivation of liberty and property without due process of law. This *defacto* ban violates the Due Process Clause doctrine regarding overbreadth. (See, e.g., *Coates v. City of Cincinnati*, 402 U.S. 611 (1971).) It also forbids a substantial amount of constitutionally protected speech; as such, it is an unconstitutional deprivation of liberty and property without due process of law. And, this ban violates the Due Process Clause doctrine regarding deprivations of property. (*See, e.g., Matthews v. Eldridge*, 424 U.S. 319 (1976).)

Finally, the ban deprives the local licensed firearms dealers of the complete and lawful use of their license issued by the Department of Justice and does so without supplying adequate pre-deprivation notice and an opportunity to be heard; as such, it is an unconstitutional deprivation of property without due process of law. In each of these respects, the defacto ban constitutes an unconstitutional abridgement of Due Process Clause rights both facially and as applied to these circumstances.

SECOND AMENDMENT VIOLATION

Possession of lawful firearms in California is not a mere privilege. Fortunately, the Second Amendment protects a person's right to keep and bear firearms. The Second Amendment provides: "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const. amend. II. "As interpreted in recent years by the Supreme Court, the Second Amendment protects 'the right of law-abiding, responsible citizens to use arms in defense of hearth and home.'" *Teixeira v. Cty. Of Alameda*, 873 F.3d 670, 676– 77 (9th Cir. 2017), cert. denied sub nom. *Teixeira v. Alameda Cty.*, 138 S. Ct. 1988 (2018) (quoting *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008)). At the core of the Second Amendment is a citizen's right to have in his and her home for self-defense common firearms. Heller, 554 U.S. at 629. "[O]ur central holding in Heller [is] that the Second Amendment protects a personal right to keep and bear arms for lawful purposes, most notably for self-defense within the home." *McDonald v. City of Chicago*, 561 U.S. 742, 780 (2010).

As evidenced by California's own crime statistics, the need to protect one's self and family from criminals in one's home has not abated no matter how hard they try. Law enforcement cannot protect everyone. "A police force in a free state cannot provide everyone with bodyguards. Indeed, while some think guns cause violent crime, others think that wide-spread possession of guns on balance reduces violent crime. None of these policy arguments on either side affects what the Second Amendment says, that our Constitution protects 'the right of the people to keep and bear Arms.'"

Silveira v. Lockyer, 328 F.3d 567, 588 (9th Cir. 2003) (Kleinfeld, J., dissenting from denial of rehearing *en banc*). However, California citizens, like United States citizens everywhere, enjoy the right to defend themselves with a firearm, if they so choose.

Not because of any statute, regulation, rule, or law, but merely as a result of improper design, the DES prohibits the California citizens from enjoying the right to defend themselves with a lawful firearm of their choice.

TORTIOUS INTERFERENCE WITH A PROSPECTIVE ECONOMIC ADVANTAGE

Under California law, intentional interference with prospective economic advantage has five elements: (1) the existence, between the plaintiff and some third party, of an economic relationship that contains the probability of future economic benefit to the plaintiff; (2) the defendant's knowledge of the relationship; (3) intentionally wrongful acts designed to disrupt the relationship; (4) actual disruption of the relationship; and (5) economic harm proximately caused by the defendant's action. (*Korea Supply Co. v. Lockheed Martin Corp*. (2003) 29 Cal.4th 1134, 1164–1165.).

As referenced above, Franklin Armory® has announced the sale of their Title 1 product and has begun taking orders on the Title 1. The Department of Justice has been notified of these orders and the inability of Franklin Armory®, and/or any licensed California firearms dealer to process these orders due to defects in the implementation of the DES, and a breach of duty by the Department of Justice pursuant to Penal Code sections 28105 and 28155. In refusing or delaying any corrections to the DES to permit the sale of lawful firearms, the DES is intentionally engaging in wrongful acts designed to disrupt current and future business of Franklin Armory®.

DEMAND

Franklin Armory® has, always, sought to cooperate and work with the California Department of Justice. It was not, and is not, my client's desire to make caselaw. On the contrary, the extraordinary effort taken by Franklin Armory® demonstrates their desire to partner *with* law enforcement to limit liabilities on all sides, including the end-user. When, however, the Department of Justice exceeded its authority and implemented a defacto ban on the sale of lawful firearms via technological limitations of the State mandated, designed, implemented and maintained DES, it substantially interfered with the rights and business relationship of Franklin Armory® and its customers. As a result, it is reasonable to anticipate the need for litigation to ensure my client is made whole.

Due to the delete and destruction policies of the California Department of Justice, Bureau of Firearms, we are hereby informing you that the Department of Justice has a duty to preserve evidence and prevent the spoliation of any information that may be relevant to this matter, including but not limited to, any and all correspondence, writings, emails, logs, telephone records, texts, or other of communication or writings, as that term is defined in Evidence Code section 250, related to or referring to the DES "gun type" fields, changes to the DES, long guns that are neither rifles nor shotguns, Franklin Armory, Inc., Jay Jacobson, Jason Davis, or Title 1. "[A] litigant is under a duty to preserve evidence which it knows or reasonably should know is relevant to the action." (*In re Napster, Inc. Copyright Litig*., 462 F. Supp. 2d 1060, 1067 (N.D. Cal. 2006)). The duty attaches "from the moment that litigation is reasonably anticipated." (*Apple Inc. v. Samsung Electronics Co.,*

Ltd., 881 F. Supp. 2d 1132, 1136 (N.D. Cal. 2012).) "Once a party reasonably anticipates litigation, it must suspend its routine [evidence] retention/destruction policy and put in place a 'litigation hold' to ensure the preservation of relevant [evidence]." (*Zubulake v. UBS Warburg*, 220 FRD 212, 218 (S.D.N.Y. 2003).) Where a party has violated its duty to preserve evidence and engaged in spoliation, federal courts have the inherent power to impose sanctions. (*See Sherman v. Rinchem Co., Inc.*, 687 F.3d 996, 1006 (8th Cir. 2012) (citations omitted)). Sanctions may include monetary sanctions, an adverse inference jury instruction, striking claims or defenses, exclusion of evidence, and default or dismissal.

As such, and in order to mitigate past and future damages that have or could further result from action or inaction, Franklin Armory® now demands as follows:

1. That the Department of Justice immediately correct the defect in the DES by permitting the sale of long guns that are neither shotguns nor rifles, such as the Title 1.
2. That the Department of Justice pay any and all damages that are incurred due to the refusal and/or delay in the correction of defects in the DES.

If you have any questions or concerns, do not hesitate to contact me at the number above.

Sincerely,
THE DAVIS LAW FIRM

s/ *Jason Davis*

JASON DAVIS

cc: Robert Wilson

From: Christina RosaRobinson
To: [redacted]
Subject: AWR & Other Gun Timeline - version 0.1
Date: Monday, August 9, 2021 8:26:22 AM

Good Morning All,

Below is the proposed timeline as discussed during the last AWR & Other Gun status meeting.

Please let me know if corrections or edits are needed. As changes in the timeline arise, I will send an updated version.

Thank you

V 0.1

[redacted]

AWR Other & Other Gun Changes Timeline – Live: Friday, October 1st

- Complete AWR Other Gun Registration Web Form – ADB/Web Team – Due: Friday, 8/13
- CFARS AWR Other Gun Development & Other Gun Struts > Spring Conversion – ADB/FFAS – Due: Monday, 8/30
- AWR (Internal) Other Gun Development – ADB/FFAS – Due: Monday, 8/30
- CFIS Batch AWR Other Gun Development – ADB/FFAS – Due: Monday, 8/30
- AWR Other Gun Registration (Web Form, CFARS, AWR Internal, APPS, AFS) Functional Testing & SIT – ADB/FFAS? / BOF Testers - Start: Tuesday, 9/1 Due: Friday 9/14
- Other Gun Functional Testing (DES, CFARS, CFIG, DROS, APPS, JES) & SIT (DES, CFARS, CFIG, DROS, APPS & AFS) – ADB/FFAS?/ BOF Testers – Start: Tuesday, 9/1 Due: Tuesday, 9/14

EXHIBIT 44

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

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

OTHER GUN ASSUMPTIONS

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

TIMELINE FOR DEVELOPMENT: Total – 2.5 to 3 months

Phase	Duration	Scope	Resources
Analysis	2 Weeks	• Spring Code Changes • Jobs • Database changes • Views and Reports defined in Disclosure	• CFARS – [redacted] • DES – [redacted] • CFIG – [redacted] • D1.9 - Reports designated by BOF as those used to report statistics to external entities will be evaluated first for impact from the "Other" Gun Type enhancement only. – [redacted]
Build	3 weeks	• Jobs • Database changes • Views and Reports defined in Disclosure	• CFARS – [redacted] • DES – [redacted] • CFIG – [redacted] • D1.9 - Reports designated by BOF as those used to report statistics for "Other" Gun Type enhancement only. – [redacted]
SIT/Regression	3 weeks	• Jobs • Database changes • Views and Reports defined in Disclosure	• CFARS – [redacted] • ETO if we do it with Spring migration) • DES – [redacted] • Integration / round trip testing – [redacted] • Reports – [redacted]
UAT	2 weeks		• CFARS – BOF • DES- BOF • Reports – BOF

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

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

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

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

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

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

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

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

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

4) **July 1, 2022 Deploy:** [redacted]

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

IINIMUM VIABLE PRODUCT (MVP)

VP1.0	Enhance DES Spring migrated code to allow a sale of Firearm Type 'Other'
VP1.1	Enhance DES Spring migrated code to allow Acquisition of Firearm Type 'Other' . This includes Buy, Consignment, Pawn
VP1.2	Enhance CFARS Spring Migrated code to allow a User to submit an AFS Personal Information Update application to append current information to a firearm type defined as 'Other'
VP1.3	Enhance CFARS Spring migrated code to allow a User to submit a Law Enforcement Gun Release (LEGR) application for an Firearm Type 'Other'

EQUIREMENT

1.0	DES must be able to process a DROS transaction for Long Gun with the Firearm Type of 'Other'
1.1	A Long Gun DROS with the Gun Type of 'Other' will trigger BFEC Process
1.2	DROS transactions of Long Gun with the Firearm Type of 'Other' must be recorded in AFS
1.3	CFARS AFS Personal Information Update form shall allow a user to appended current information for Firearm Type 'Other'
1.4	CFARS Law Enforcement Gun Release Application (LEGR) form shall allow a user to submit for Firearm Type 'Other'
1.5	CFARS Firearm Type 'Other' will model gun type 'Rifle' category and receiver
1.6	DROS shall process Firearm Type 'Other' as a Long gun
1.7	Category and Barrel validations for Firearm Type 'Other' will follow 'Long gun' Firearm Type validations within DES
1.8	Category and Barrel validations for Firearm Type 'Other' will follow 'Rifle' Firearm Type validations within CFARS

MPACT

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

SIGNATURE DATE

[CFAR-1490] Other Gun - Registration, LER, AFS Info Update & USNA - Parent JIRA

Created: 05/Aug/21 Updated: 01/Dec/21

Status:	In Progress
Project:	California Firearms Reporting System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Enhancement	**Priority:**	High
Reporter:	Cheryle Massaro	**Assignee:**	Jeffrey Liu
Resolution:	Unresolved		
Labels:	None		
Σ Remaining Estimate:	Not Specified	**Remaining Estimate:**	Not Specified
Σ Time Spent:	Not Specified	**Time Spent:**	Not Specified
Σ Original Estimate:	Not Specified	**Original Estimate:**	Not Specified

Issue Links:

Cloners			
is cloned by	~~CFAR-1494~~	AWR Other Gun Registration - Parent JIRA	Closed
Link			
links	~~AFS-1098~~	allow "Other" gun type for CFIS data	Closed
links	~~CFAR-1494~~	AWR Other Gun Registration - Parent JIRA	Closed
links	~~DES-1937~~	Other Gun - Parent JIRA	Closed
is linked to	CFAR-927	AWR Registration Enhancement & Real I...	Open
is linked to	~~CFIS-155~~	AWR Other Gun Registration - Parent JIRA	Closed
is linked to	~~AWR-161~~	Parent Jira for Other Gun Registration	Closed

Sub-Tasks:

Key	Summary	Type	Status	Assignee
CFAR-1495	Convert USNA Other Gun Code from Stru...	Sub-task	Closed	Christina Rosa-Robinson
CFAR-1496	Convert CRIS LER Other Gun Code from ...	Sub-task	Closed	Christina Rosa-Robinson
CFAR-1497	Convert AFS Info Update Other Gun Cod...	Sub-task	Closed	Christina Rosa-Robinson
CFAR-1500	Modify CFARS Reports to Include Firea...	Sub-task	Closed	Christina RosaRobinson
CFAR-1501	Add New Gun Type of 'Other' to CRIS L...	Sub-task	Closed	Christina Rosa-Robinson
CFAR-1502	Add New Firearm Type of 'Other' to AF...	Sub-task	Closed	Christina Rosa-Robinson
CFAR-1503	Add New Firearm Type of 'Other' to US...	Sub-task	Closed	Christina Rosa-Robinson
CFAR-1504	AWR Other Guest Incomplete Report	Sub-task	Closed	Nikitha Raju
CFAR-1505	Create New Pending Queue for AWR Othe...	Sub-task	Closed	Christina RosaRobinson
CFAR-1506	Modify CFARS CRIS Reports to Include ...	Sub-task	Closed	Christina RosaRobinson
CFAR-1507	Create New CFARS CRIS Form 'Other Ass...	Sub-task	Closed	Jeffrey Liu
CFAR-1508	Add AWR Other Transaction Type to Rec...	Sub-task	Closed	Christina RosaRobinson
CFAR-1509	Create New "Other Gun" BOF Permission...	Sub-task	Closed	Christina RosaR
CFAR-1510	AWR Other Guest Reject Report	Sub-task	Closed	Nikitha Raju

EXHIBIT 45

CFAR-1511	Remove Joint Registration from New 'O...	Sub-task	Closed	Jeffrey Liu
CFAR-1512	'Other Assault Weapon Registration Fo...	Sub-task	Closed	Christina RosaRobinson
CFAR-1513	AWR Other Gun Registration: Additiona...	Sub-task	Closed	Christina RosaRobinson
CFAR-1514	Magazine List of Value for AWR Other ...	Sub-task	Closed	Christina RosaRobinson
CFAR-1515	New Field/Question on Other AWR Regis...	Sub-task	Closed	Christina RosaRobinson
CFAR-1516	Add OAWR Transaction Type to Lookup T...	Sub-task	Resolved	Annamalai Natarajan
CFAR-1518	Remove Real ID Logic from Other AWR Form	Sub-task	Closed	Christina RosaRobinson
CFAR-1520	Test Case Creation - Other Gun Regist...	Sub-task	Closed	Steven Bryans
CFAR-1521	Convert float data-type into BigDecim...	Sub-task	Closed	Christina RosaRobinson
CFAR-1523	Add the oawr_line_count column into c...	Sub-task	Closed	Steven Bryans
CFAR-1524	URL Security	Sub-task	Closed	Steven Bryans
CFAR-1526	Real ID File Type Uploads Unavailable...	Sub-task	Closed	Christina RosaRobinson
CFAR-1471	COE#53259 Quick, Daniel Error Message	Sub-task	Closed	Christina RosaRobinson
CFAR-1528	INVOICE_SEQ_ID Not Generated for AWR ...	Sub-task	Closed	Christina RosaRobinson
CFAR-1529	AB1135_Line_Count Incorrect When Tran...	Sub-task	Closed	Christina RosaRobinson
CFAR-1530	AWR 2nd Reg (AB1135) Incorrect Fee Am...	Sub-task	Closed	Marika Fujimoto
CFAR-1533	Joint-Registrant Submission Confirmat...	Sub-task	Closed	Christina RosaRobinson
CFAR-1534	AWRF Comments Not Displaying in CFARS...	Sub-task	Closed	Christina RosaRobinson
CFAR-1535	Incorrect Are you the primary registr...	Sub-task	Closed	Christina RosaRobinson
CFAR-1537	AWRF First Data Payment Information N...	Sub-task	Closed	Jennifer Le
CFAR-1538	AWRF First Data Payment Information N...	Sub-task	Closed	Thomas Deleon
CFAR-1539	Name Change File Upload Not in UI	Sub-task	Closed	Christina RosaRobinson
CFAR-1580	AB1135 previous "acquired from" stree...	Sub-task	Closed	Christina RosaRobinson
CFAR-1581	Unable to Submit Payment for CRIS Gue...	Sub-task	Closed	Christina RosaRobinson
CFAR-1582	Additional Firearms Characteristics C...	Sub-task	Closed	Christina RosaRobinson
CFAR-1583	OAWR Reports- INCOMPLETE, REJECTION, ...	Sub-task	Closed	Christina RosaRobinson
CFAR-1584	Guest User Unable to Access Pending I...	Sub-task	Closed	Christina RosaRobinson
CFAR-1585	Real ID File Upload Validations Neede...	Sub-task	Closed	Christina RosaRobinson

CFAR-1586	Receiving Application Error on Final ...	Sub-task	Closed	Christina RosaRobinson
CFAR-1590	OAWR Incomplete and Reject report int...	Sub-task	Closed	Christina RosaRobinson
CFAR-1593	Acquired From Not Populating within O...	Sub-task	Closed	Jeffrey Liu
CFAR-1594	OAWR Comments Not Displaying in CFARS...	Sub-task	Closed	Jeffrey Liu
CFAR-1601	OAWR - Include in AWR Partial Matchin...	Sub-task	Resolved	Mike Titlow
CFAR-1602	City Not Populated on Previously Subm...	Sub-task	Closed	Christina RosaRobinson
CFAR-1604	REAL ID US Lawful Presence Incorrect ...	Sub-task	Closed	Christina RosaRobinson
CFAR-1605	Other Gun Registration Form Not Keepi...	Sub-task	Closed	Jeffrey Liu
CFAR-1606	Transactions migrating from Switch in...	Sub-task	Closed	Kelly Christoffersen
CFAR-1607	CRIS - Manually Processed should only...	Sub-task	Closed	Christina RosaRobinson
CFAR-1608	CRIS - Real ID errors	Sub-task	Closed	Kelly Christoffersen
CFAR-1609	CRIS - LER - Error when entering Agen...	Sub-task	Closed	Kelly Christoffersen
CFAR-1610	BBAWR - Letter has incorrect phone nu...	Sub-task	Closed	Kelly Christoffersen
CFAR-1611	CRIS-LER - BOF User payment date vali...	Sub-task	Closed	Kelly Christoffersen
CFAR-1612	LER app on HOLD becomes Operation of ...	Sub-task	Closed	Cheryle Massaro
CFAR-1613	LER form will not accept self-built f...	Sub-task	Closed	Kelly Christoffersen
CFAR-1614	COE - City not populating on ZIP code...	Sub-task	Closed	Kelly Christoffersen
CFAR-1616	File Type should be California Identi...	Sub-task	Closed	Kelly Christoffersen
CFAR-1617	BBAWR - "Inches" field entry not migr...	Sub-task	Closed	Kelly Christoffersen
CFAR-1618	LER - Out of State License does not r...	Sub-task	Closed	Kelly Christoffersen
CFAR-1619	Unable to submit any transaction unde...	Sub-task	Closed	Nalini Das
CFAR-1620	COE - Incorrect phone number on Conta...	Sub-task	Closed	Kelly Christoffersen
CFAR-1621	BBAWR - Joint Registration - CRIS Num...	Sub-task	Closed	Kelly Christoffersen
CFAR-1622	USNA - File Upload Instructions Need ...	Sub-task	Closed	Kelly Christoffersen
CFAR-1623	Renew COE - Real ID Selection Not Ret...	Sub-task	Deferred	Cheryle Massaro
CFAR-1624	AFS PIU - Deleted Cart transactions m...	Sub-task	Resolved	Cheryle Massaro
CFAR-1626	AFS PIU - Unable to delete single tra...	Sub-task	Resolved	Cheryle Massaro
CFAR-1627	BBAWR - Unable to Edit Primary CRIS N...	Sub-task	Closed	Kelly Christoffersen

CFAR-1628	CRIS - Unable to submit LER transacti...	Sub-task	Open	Parameswaran Muthuvel
CFAR-1637	LER - Transactions Migrated to DROS h...	Sub-task	Closed	Kelly Christoffersen
CFAR-1638	unhandled exception on preview	Sub-task	Closed	Mike Titlow
CFAR-1639	OAWR Missing Hunting License File Upload	Sub-task	Closed	Christina RosaRobinson
CFAR-1640	OAWR - Remove "Is the overall length ...	Sub-task	Closed	Gilbert Mac
CFAR-1641	OAWR - Unable to Complete Transactions	Sub-task	Closed	Kelly Christoffersen
CFAR-1642	OAWR - Please update language in CFARS	Sub-task	Closed	Kelly Christoffersen
CFAR-1643	OAWR - Incorrect File Upload Errors	Sub-task	Closed	Kelly Christoffersen
CFAR-1644	OAWR - Unable to Process Transactions...	Sub-task	Closed	Kelly Christoffersen
CFAR-1648	BBAWR - Unable to leave comment if us...	Sub-task	Closed	Kelly Christoffersen
CFAR-1654	CRIS - BOF User is unable to submit m...	Sub-task	Closed	Jeffrey Liu
CFAR-1655	USNA - DMV Reject Letter does not hav...	Sub-task	Closed	Kelly Christoffersen
CFAR-1656	'Number of Other Gun' not appearing o...	Sub-task	Closed	Nikitha Raju
CFAR-1657	Replace "Real ID" with "Federal Limit...	Sub-task	Assigned	Cheryle Massaro
CFAR-1658	COE - File Upload Instructions Need t...	Sub-task	Closed	Kelly Christoffersen
CFAR-1659	CRIS-LER - File Upload Instructions N...	Sub-task	Closed	Kelly Christoffersen
CFAR-1660	OAWR: Missing ' Uploaded AWRF Webform...	Sub-task	Closed	Jeffrey Liu
CFAR-1664	Real ID = NO; Please update the "help...	Sub-task	Closed	Kelly Christoffersen
CFAR-1665	OAWR - Incomplete letter errors	Sub-task	Closed	Kelly Christoffersen
CFAR-1668	OAWR - Document Uploads Being Renamed	Sub-task	Closed	Cheryle Massaro
CFAR-1669	AWR - Document Uploads Being Renamed	Sub-task	Closed	Cheryle Massaro
CFAR-1670	OAWR: Non-Fixed Magazine Value Not Sh...	Sub-task	Closed	Jeffrey Liu
CFAR-1672	OAWR, BBAWR - Wrong city on transacti...	Sub-task	Closed	Kelly Christoffersen
CFAR-1740	Not Inserting Correct First Data Auth...	Sub-task	Closed	Terence Pan
CFAR-1741	First Data Reconciliation Report - No...	Sub-task	Closed	Melissa Reza

Cross Reference Number:	CFAR-927, DROS-711
Environment:	ALL
Firearms Label:	Ammo-Phase-II

Description

Parent Jira for tasks and issues relating to the "Other Gun" flow in CFARS.

Other Gun functionality is due to deploy on October 1, 2021 with the 2nd AWR Registration and REAL-ID Changes (CFAR-927).

Generated at Fri Jan 13 20:13:06 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

[DES-1937] Other Gun - Parent JIRA Created: 06/Aug/21 Updated: 09/Mar/22 Resolved: 09/Mar/22	
Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Enhancement	**Priority:**	High
Reporter:	Christina RosaRobinson	**Assignee:**	Edmond Ho
Resolution:	Done		
Labels:	None		
Σ Remaining Estimate:	Not Specified	**Remaining Estimate:**	Not Specified
Σ Time Spent:	Not Specified	**Time Spent:**	Not Specified
Σ Original Estimate:	Not Specified	**Original Estimate:**	Not Specified

Issue Links:

Link			
is linked to	CFAR-1490	Other Gun - Registration, LER, AFS In...	In Progress

Sub-Tasks:

Key	Summary	Type	Status	Assignee
DES-1938	Convert Other Gun Dealer Long Gun Sal...	Sub-task	Closed	Edmond Ho
DES-1939	Convert Other Gun Private Party Long ...	Sub-task	Closed	Edmond Ho
DES-1940	Convert Other Gun Pawn/Consignment Lo...	Sub-task	Closed	Edmond Ho
DES-1941	Convert Other Gun Curio/Relic Long Gu...	Sub-task	Closed	Edmond Ho
DES-1942	Convert Other Gun Long Gun Loan Code ...	Sub-task	Closed	Edmond Ho
DES-1943	Modify DES Reports to include Gun Typ...	Sub-task	Closed	Edmond Ho
DES-1998	Change Request 20 for SB 61- Addition...	Sub-task	Closed	Edmond Ho
DES-2078	Age Exemption not required for Other gun	Sub-task	Closed	Edmond Ho
DES-2101	Cannot Submit 'Other' Dealer Long Gun...	Sub-task	Closed	Erica Heikila
DES-2155	Card Swipe Reader Missing PII Fields ...	Sub-task	Closed	Erica Heikila
DES-2156	Waiting Period Exemption does not dis...	Sub-task	Closed	Erica Heikila
DES-2165	CFD: 26940, 26939 and 26910 DROS tran...	Sub-task	Resolved	Erica Heikila
DES-2180	CFD: 26939 Invoice Summary Does Not M...	Sub-task	Closed	

Environment:	Development
Firearms Label:	Other_Gun_Related

Description

Parent Jira for tasks and issues relating to the "Other Gun" flows in DES.

Other Gun functionality is due to deploy on October 1, 2021 with the 2nd AWR Registration, REAL-ID Changes (CFAR-927) and AWR Other Gun Registration (https://jira.int.doj.ca.gov/browse/CFAR-1494)

Comments

Comment by Edmond Ho [09/Mar/22]
We completed all these JIRAs back in September/October 2021. Just cleaning up the status of this JIRA.

Generated at Fri Jan 13 20:10:41 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-1938] Convert Other Gun Dealer Long Gun Sale Code from Struts to Spring

Created: 06/Aug/21 Updated: 06/Oct/21 Resolved: 17/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	High
Reporter:	Christina RosaRobinson	**Assignee:**	Edmond Ho
Resolution:	Done		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Issue Links:	**Cloners**			
	is cloned by	~~DES-1939~~	Convert Other Gun Private Party Long ...	Closed
	is cloned by	~~DES-1940~~	Convert Other Gun Pawn/Consignment Lo...	Closed
Environment:	Development			
Firearms Label:	Other_Gun_Related			

Comments

Comment by Christina Rosa-Robinson (Inactive) [06/Aug/21]

Byounghyun An Jeffrey Liu

Comment by Edmond Ho [17/Sep/21]

Workflowing this ticket, since the code is already on DES STG along with the Other Gun fixes in the parent JIRA.

Generated at Fri Jan 13 20:13:54 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-1939] Convert Other Gun Private Party Long Gun Transfer Code from Struts to Spring

Created: 06/Aug/21 Updated: 06/Oct/21 Resolved: 17/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	High
Reporter:	Christina RosaRobinson	**Assignee:**	Edmond Ho
Resolution:	Done		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Issue Links:	**Cloners**			
	Cloners	~~DES-1938~~	Convert Other Gun Dealer Long Gun Sal...	Closed
Environment:	Development			
Firearms Label:	Ammo-Phase-II			

Comments

Comment by Christina Rosa-Robinson (Inactive) [06/Aug/21]
Byounghyun An Jeffrey Liu
Comment by Edmond Ho [17/Sep/21]
Workflowing this ticket, since the code is already on DES STG along with the Other Gun fixes in the parent JIRA.

Generated at Fri Jan 13 20:14:25 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-1940] Convert Other Gun Pawn/Consignment Long Gun Redemption Code from Struts to Spring

Created: 06/Aug/21 Updated: 06/Oct/21 Resolved: 17/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	High
Reporter:	Christina RosaRobinson	**Assignee:**	Edmond Ho
Resolution:	Done		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Issue Links:	**Cloners**			
	Cloners	~~DES-1938~~	Convert Other Gun Dealer Long Gun Sal...	Closed
	is cloned by	~~DES-1941~~	Convert Other Gun Curio/Relic Long Gu...	Closed
Environment:	Development			
Firearms Label:	Ammo-Phase-II			

Comments

Comment by Christina Rosa-Robinson (Inactive) [06/Aug/21]

Byounghyun An Jeffrey Liu

Comment by Edmond Ho [17/Sep/21]

Workflowing this ticket, since the code is already on DES STG along with the Other Gun fixes in the parent JIRA.

Generated at Fri Jan 13 20:15:02 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-1941] Convert Other Gun Curio/Relic Long Gun Sale Code from Struts to Spring

Created: 06/Aug/21 Updated: 06/Oct/21 Resolved: 17/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	High
Reporter:	Christina RosaRobinson	**Assignee:**	Edmond Ho
Resolution:	Done		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Issue Links:	**Cloners**			
	Cloners	~~DES-1940~~	Convert Other Gun Pawn/Consignment Lo...	Closed
Environment:	Development			
Firearms Label:	Ammo-Phase-II			

Comments

Comment by Christina Rosa-Robinson (Inactive) [06/Aug/21]

Byounghyun An Jeffrey Liu

Comment by Edmond Ho [17/Sep/21]

Workflowing this ticket, since the code is already on DES STG along with the Other Gun fixes in the parent JIRA.

Generated at Fri Jan 13 20:15:33 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-1942] Convert Other Gun Long Gun Loan Code from Struts to Spring

Created: 06/Aug/21 Updated: 06/Oct/21 Resolved: 17/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	High
Reporter:	Christina RosaRobinson	**Assignee:**	Edmond Ho
Resolution:	Done		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Environment:	Development
Firearms Label:	Ammo-Phase-II

Comments

Comment by Christina Rosa-Robinson (Inactive) [06/Aug/21]

Byounghyun An Jeffrey Liu

Comment by Edmond Ho [17/Sep/21]

Workflowing this ticket, since the code is already on DES STG along with the Other Gun fixes in the parent JIRA.

Generated at Fri Jan 13 20:17:08 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-1943] Modify DES Reports to include Gun Type 'Other'

Created: 06/Aug/21 Updated: 21/Sep/21 Resolved: 21/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	Medium
Reporter:	Christina RosaRobinson	**Assignee:**	Edmond Ho
Resolution:	Fixed		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Environment:	Development
Firearms Label:	Ammo-Phase-II

Description

Following DES report will have to be updated to include gun type other transactions

- Dealer Volume Report
- Dealer Record of Sale
- Dealer Invoice (Gun)
- Firearms Dealer Report of Firearm Acquisition/Pawn

Comments

Comment by Christina Rosa-Robinson (Inactive) [06/Aug/21]

Byounghyun An Jeffrey Liu

Comment by Edmond Ho [21/Sep/21]

I can confirm for at least DROS and FDAS reports, gun type "Other" is visible. Closing as fixed.

Generated at Fri Jan 13 20:17:44 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-1998] Change Request 20 for SB 61- Additional Exemptions [CR-20]

Created: 18/Aug/21 Updated: 25/Oct/21 Resolved: 25/Oct/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	Medium
Reporter:	Debbie Morisawa (Inactive)	**Assignee:**	Edmond Ho
Resolution:	Done		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Issue Links:	**Duplicate**			
	is duplicated by	~~DES-1994~~	CR20: Append 1in30 LOVs	Closed
	Link			
	is linked to	~~DES-2184~~	DES FORMS- BOF 941 and BOF 958	Closed
Environment:	Production			
Firearms Label:	DES			

Description

CR 20

Background

Additional 1-in-30 day exemptions must be ADDED to the "30-Day Restriction Exemption" Drop down on the Dealer Handgun Sale, Exempt Handgun Sale, Curio/Relic Handgun Sale, Olympic Pistol Sale, Dealer Long Gun Sale, and Curio/Relic Long Gun Sale Transaction Types. The following exemptions must be added to the current listing:

HANDGUN TRANSACTIONS

Dealer Handgun Sale, list:

- Duly Authorized Law Enforcement Agency
- Entertainment Company – Permit – Valid COE
- Law Enforcement Agency – California
- State or Local Correctional Facility

Exempt Handgun Sale, list:

- Collector – 03 FFL – Valid COE
- Community College – POST Certified
- Duly Authorized Law Enforcement Agency
- Entertainment Company – Permit – Valid COE
- Law Enforcement Agency – California
- Licensed California Firearms Dealer
- Private Security Company (PPO) – California – Licensed
- Special Weapon Permit
- State or Local Correctional Facility

Curio/Relic Handgun Sale, list:

- Duly Authorized Law Enforcement Agency
- Entertainment Company – Permit – Valid COE
- Law Enforcement Agency – California

- State or Local Correctional Facility
- Return to Owner

Olympic Pistol Sale, list:

- Duly Authorized Law Enforcement Agency
- Entertainment Company – Permit – Valid COE
- Law Enforcement Agency – California
- State or Local Correctional Facility
- Return to Owner

LONG GUN TRANSACTIONS (Semiautomatic Centerfire Rifles Only)

Dealer Long Gun Sale, list:

- Duly Authorized Law Enforcement Agency
- Entertainment Company – Permit – Valid COE
- Law Enforcement Agency – California
- State or Local Correctional Facility

Curio/Relic Long Gun Sale, list:

- Duly Authorized Law Enforcement Agency
- Entertainment Company – Permit – Valid COE
- Law Enforcement Agency – California
- State or Local Correctional Facility
- Return to Owner

Acceptance Criteria

The 1in30 LOVs for the 4 transactions types match one another:

- Regular Handgun
- Curio/Relic Handgun
- Olympic Pistol
- Curio/Relic Long Gun (triggers only on semiauto/centerfire/rifle or rifle/shotgun)

LOV:

- Collector – 03 FFL – Valid COE
- Community College – POST Certified
- Duly Authorized Law Enforcement Agency
- Entertainment Company – Permit – Valid COE
- Exchange – within Preceding 30 Days
- Law Enforcement Agency – California
- Licensed California Firearms Dealer · Peace Officer – Active (Letter Required)
- Peace Officer – California – Active
- Private Security Company (PPO) – California – Licensed
- Replacement – Reported Lost or Stolen Firearm
- Return to Owner (Not Regular Handgun DROS)
- Special Weapon Permit
- State or Local Correctional Facility

Regular Long Gun and Exempt Handgun are the same list but with "Return to Owner" and "Operation of the Law - Intra-Familial Transfers" added:

- Collector – 03 FFL – Valid COE
- Community College – POST Certified
- Duly Authorized Law Enforcement Agency
- Entertainment Company – Permit – Valid COE
- Exchange – within Preceding 30 Days
- Law Enforcement Agency – California
- Licensed California Firearms Dealer · Peace Officer – Active (Letter Required)
- Operation of Law – Intra-Familial Transfers
- Peace Officer – California – Active
- Private Security Company (PPO) – California – Licensed
- Replacement – Reported Lost or Stolen Firearm
- Return to Owner
- Special Weapon Permit

- State or Local Correctional Facility

Comments

Comment by Dimple John [31/Aug/21]

This has been implemented and deployed to tst2 environment

Comment by Edmond Ho [01/Sep/21]

Dimple John, I appended 2 additional cases to my test scripts to submit 1in30 type transactions (duplicate guns) using "LEA - California" for Curio Long Gun and Exempt Handgun DROS. No issues. Also ran a full regression and similarly no issues.

Comment by Edmond Ho [03/Sep/21]

Tested again on TST2 and the new drop down LOV items for 1in30 still work. Here's the parameters for my test script:

```
"CRL":{"drostype":${url.clg},"Texemp":"E16","Aexemp":"NA","type":"R","cal":"556","action":"I","rcvr":"0","outcome":"P"},
"EHL":{"drostype":${url.ehg},"Texemp":"E16","Aexemp":"NA","type":"H","cal":"9","action":"I","rcvr":"0","outcome":"P"}
```

where:

- drostype captures the URL for the DROS
- Texemp denotes "thirty" and E16 is for LEA-California which is 1 of the new list items for all DROS types
- Aexemp is Age Exemp which is blank for this test
- Type is Handgun or Rifle
- Cal is caliber
- Action is gun category and I is semiautomatic
- rcvr is receiver-only
- outcome is expected outcome so that I can assert if it passed or not

The values used like E16 for 1in30 and "I" for action are the actual values when you view console

Comment by Edmond Ho [03/Sep/21]

Completed test on STG along with a full regression test. Everything works fine.

Only issue I had was with my user where attempting to use Visa, 2 MC and Discover to pay for invoices resulted in fraud and inability to pay invoices. I ended up having to use another account to perform the test.

Comment by Edmond Ho [07/Sep/21]

Dimple John, it looks like the "-" are saved as "?". E15 and 16 render as:

```
ENTERTAINMENT COMPANY ? PERMIT ? VALID COE
Law Enforcement Agency ? California
```

Comment by Dimple John [08/Sep/21]

Fixed the below rendering issue.....it is displaying fine

ENTERTAINMENT COMPANY ? PERMIT ? VALID COE
Law Enforcement Agency ? California

Comment by Shanon Thompson [29/Sep/21]

Cheryle Massaro, Debbie Morisawa I just wanted to advised that we updated the missing 1 in 30 exemptions to JIRA. You will see that i put the updated information RED. Please note, I didn't update anything under the "Acceptance Criteria" as I was not sure if I was supposed to.

Also, I left the status as deployed, please let me know if I need to change that to "open," etc.

Let me know if you guys have any questions or concerns. Thanks

Comment by Edmond Ho [29/Sep/21]

Okay, got it. We'll need to make sure "return to owner" is added appropriately once other gun goes live and we can go back to this.

Comment by Edmond Ho [05/Oct/21]

Retested on TST2 with the "Return to Owner" additions. Everything works.

Comment by Edmond Ho [06/Oct/21]

Tested on STG, the exemptions are all there along with the 'Return to Owner' exemption.

Comment by Edmond Ho [11/Oct/21]

For reference, here's the list of all values from the DB:

```
E01: Collector - 03 FFL - Valid COE
E02: Community College - POST Certified
```

```
E03: Exchange - within Preceding 30 Days
E04: Firearm Loan
E05: Licensed California Firearms Dealer
E06: Operation of Law - Intra-Familial Transfers
E07: Peace Officer - Active - Letter Required
E08: Peace Officer - California - Active
E09: Private Security Company (PPO) - California - Licensed
E10: Replacement - Reported Lost or Stolen Firearm
E11: Return to Owner
E12: Special Weapon Permit
E13: Private Party Transfer Through Licensed Firearms Dealer
E14: Duly Authorized Law Enforcement Agency
E15: Entertainment Company - Permit - Valid COE
E16: Law Enforcement Agency - California
E17: State or Local Correctional Facility
```

Also, here's the specific DROS and exemption pairs my SIDE script is testing for:

DROS Type	Exemption Code	Exemption Name
Dealer Handgun	E15	Entertainment Company - Permit - Valid COE
Exempt Handgun	E09	Private Security Company (PPO) - California - Licensed
Curio/Relic Handgun	E17	State or Local Correctional Facility
Olympic Pistol	E11	Return to Owner
Dealer Long Gun	E14	Duly Authorized Law Enforcement Agency
Curio/Relic Long Gun	E16	Law Enforcement Agency - California

All other exemptions are tested with Dealer Long Gun since it allows the most exemption types.

Comment by Edmond Ho [25/Oct/21]

Deployed to Prod on 10/21/2021. The LOV reflects the CR

Generated at Fri Jan 13 20:18:51 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-2078] Age Exemption not required for Other gun

Created: 14/Sep/21 Updated: 05/Oct/21 Resolved: 15/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	Medium
Reporter:	Edmond Ho	**Assignee:**	Edmond Ho
Resolution:	Done		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Issue Links:	**Link**			
	links	~~DES-2205~~	Age Exemptions Required for "Other" t...	Closed
Environment:	Production			
Firearms Label:	Ammo-Phase-II			

Description

Background

Other gun changes did not originally take into account SB1100/61 exemptions in that only certain conditions require age exemptions. Specifically, long guns with type other and older than 18 years old doesn't require exemption.

Acceptance Criteria

When Other 'type' is used for long gun and purchaser is older than 18, purchaser does not require age exemption.

Comments

Comment by Edmond Ho [14/Sep/21]

I found in bug while running regression tests. Curio and Olympic Hand Guns throw an error after you select preview. On the page itself, nothing happens. In console though, I see:

```
Uncaught TypeError: Cannot read properties of null (reading 'value')
```

I tried clearing cache but still can't get to preview screen.

Comment by Edmond Ho [15/Sep/21]

Tested on TST2 and also STG

On STG: Submitted transactions for a user 20yo and 22 yo for other gun and both resolved successfully.

Also submitted curio and olympic hand guns since they presented with bugs on TST2. The fix for that also worked (static content).

Generated at Fri Jan 13 20:19:24 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-2101] Cannot Submit 'Other' Dealer Long Gun Sale due to Barrel Length Error Message upon Preview

Created: 15/Sep/21 Updated: 22/Sep/21 Resolved: 22/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	ShowStopper
Reporter:	Erica Heikila (Inactive)	**Assignee:**	Erica Heikila (Inactive)
Resolution:	Cannot Reproduce		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Attachments:	Barrel Length Error Message Upon Preview - DLG.PNG
Environment:	Production
Firearms Label:	Ammo-Phase-II

Description

Summary: Users cannot submit any Long Gun Sale with an 'Other' gun type because they are stopped upon preview with the error message "*Barrel Length must be between and undefined IN.*" I tried the following barrel lengths and still cannot submit the transaction, 16-30 inches. At this point there is no way to submit 'Other' in DES for any Dealer Long Gun Sale.

Steps:

1. Submit DROS
2. Select Dealer Long Gun Sale
3. Enter PII etc, in firearm information Gun Type enter 'Other.'
4. Enter any barrel length and you get an error message upon preview.

Transaction types affected:

1. Dealer Long Gun Sale
2. Private Party Long Gun Transfer
3. Pawn/Consignment Long Gun Redemption
4. Curio/Relic Long Gun Sale
5. Long Gun Loan

Expected Result: Barrel Length requirements should be the same as existing Long gun functionality.

Username: CHBING2

Password: Password1

CFD: 26940

URL: https://des.stg.doj.ca.gov

Version: DROS Entry System (DES) Version 4.1.2.0 (10/01/21)

Comments

Comment by Erica Heikila (Inactive) [15/Sep/21]

Updated to include

Transaction types affected:

1. Dealer Long Gun Sale
2. Private Party Long Gun Transfer
3. Pawn/Consignment Long Gun Redemption
4. Curio/Relic Long Gun Sale
5. Long Gun Loan

Comment by Mike Titlow [15/Sep/21]

Erica Heikila I had to clear my cache as well as clear "Cookies and Other site data" in Chrome. After that I got my Other Firearms transactions to go through. Please give that a try and let me know if that fixes your issue.

Comment by Erica Heikila (Inactive) [15/Sep/21]

Mike Titlow That fixed the issue. I was also only clearing 1 hour worth of History when I changed it to all time it worked. THANK YOU!

Comment by Edmond Ho [16/Sep/21]

Erica Heikila, BOF will need to notify all dealers to do this extensive cache/cookies/history clearing for the next production push. Just noting here so we don't forget.

Generated at Fri Jan 13 20:20:05 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-2155] Card Swipe Reader Missing PII Fields / Invalid Identification Error

Created: 18/Sep/21 Updated: 21/Sep/21 Resolved: 21/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	Critical
Reporter:	Erica Heikila (Inactive)	**Assignee:**	Erica Heikila (Inactive)
Resolution:	Functions As Designed		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Attachments:	Inavlid ID Error.png SAEC Example.png
Environment:	Staging
Firearms Label:	Other_Gun_Related

Description

Summary: The Card Swipe Reader did not populate or did not work on the first card swipe attempt for the following transaction types:

- **Pawn/Consignment Handgun Redemption** – First 2 tries said invalid entry. 3rd try did not populate the zip code or Purchaser ID #, 4th was the same as 3rd. 5th time worked.
- **Olympic Pistol Sale** – 1st said invalid ID, 2nd attempt worked.
- **Standard Ammunition Eligibility Check** – Hair and eye color do not populate.
- **Basic Ammunition Eligibility Check** - Hair and eye color do not populate.
- **Certificate of Eligibility Certification** - Hair and eye color do not populate.

Expected Result: The card swipe should capture all the purchasers information upon the first swipe.

Comments

Comment by Mike Titlow [20/Sep/21]

Erica Heikila I wanted to confirm what environment you tested this in. Above you noted Production.

Comment by Erica Heikila (Inactive) [20/Sep/21]

Mike Titlow Jira has been updated. It occurred in Staging.

Comment by Edmond Ho [20/Sep/21]

Debbie had tested on site and commented that

> I am unable to reproduce the issue. I was able to get the fields to populate on the first swipe for all workflows.

Comment by Erica Heikila (Inactive) [21/Sep/21]

Edmond Ho after a second round of testing with a different ID And Card swipe reader we did not have any issues upon the first swipe. Please close the JIRA.

Generated at Fri Jan 13 20:29:44 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-2156] Waiting Period Exemption does not display on Peace Officer Non-Roster Handgun (Letter Required)

Created: 18/Sep/21 Updated: 22/Sep/21 Resolved: 22/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	Critical
Reporter:	Erica Heikila (Inactive)	**Assignee:**	Erica Heikila (Inactive)
Resolution:	Cannot Reproduce		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Attachments:	IE and Chrome side by side.PNG PO Non-Roster Handgun Sale WPE missing.PNG node_diff.png stg_notrep.png stgbounce.png
Environment:	Staging
Firearms Label:	DES

Description

Summary: The waiting period exemption "Peace Officer (Letter Required)" is no longer displaying on the Peace Officer Non-Roster Handgun Sale (Letter Required) transaction.

Steps:

1. Select the Peace Officer Non-Roster Handgun Sale (Letter Required) transaction.
2. Scroll to Transaction and Firearm Information.
3. Note Waiting Period Exemption is missing.

Expected Results: The waiting period exemption "Peace Officer (Letter Required)" shall be auto filled for a Peace Officer Non-Roster Handgun Sale (Letter Required) transaction.

Comments

Comment by Edmond Ho [20/Sep/21]

Erica Heikila,

I was unable to replicate this on STG, on chrome. I tried wiping cache too. Can you give some more details like browser, browser version?

Comment by Edmond Ho [20/Sep/21]

Note: I also tested on production, just to see. The problem does not exist there either. PO non-roster handgun has the field pre-filled.

Comment by Erica Heikila (Inactive) [20/Sep/21]

Edmond Ho

I tried in Chrome and IE again this morning and there is no exemption displayed. See new screenshot titled IE and Chrome side by side.

IE Version: 1607 (OS Build 14393.4651)

Chrome Version: Version 93.0.4577.82 (Official Build) (64-bit)

I cleared my browser history on both browsers with no success.

Comment by Edmond Ho [20/Sep/21]

Mike can see the empty field.

I tried wiping all cache/data/etc from all time and I still can NOT see the empty field on STG DES for peace officer non roster hand gun.

Comment by Edmond Ho [20/Sep/21]

Hmm. Dimple tried replicating and could not. I'm going to ask other FASU analysts to check it out.

Comment by Edmond Ho [21/Sep/21]

Erica Heikila, found out it's due to differences between nodes. For some reason, worker11 has the error but worker12 does not. The screenshot I attached shows the differences between the nodes:

Trying to confirm if the intended STG build is worker12 or worker11. I'm guessing 12 and this is a non issue.

Comment by Edmond Ho [22/Sep/21]

Erica Heikila, STG was bounced to fix the issue between the 2 nodes. Testing, even without resetting cache shows both nodes work now (I was getting the blank field on 11). In the screenshot of DES STG, both node 11 and 12 have the field present and properly filled in:

Comment by Erica Heikila (Inactive) [22/Sep/21]

Edmond Ho Please close the Jira we now see the exemption!

Generated at Fri Jan 13 20:30:13 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-2165] CFD: 26940, 26939 and 26910 DROS transaction did not Migrate to AFS

Created: 21/Sep/21 Updated: 27/Sep/21 Resolved: 27/Sep/21

Status:	Resolved
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	ShowStopper
Reporter:	Erica Heikila (Inactive)	**Assignee:**	Erica Heikila (Inactive)
Resolution:	Fixed		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Attachments:	AFS Transactions 9202021.xlsx
Environment:	Production
How to Recreate:	1. Submit Transaction in DES 2. Wait for Approval in DROS 3. Deliver Gun 4. Search transaction in AFS.
Firearms Label:	Ammo-Phase-II

Description

Summary: DES submitted and delivered DROS Transactions that are not migrating and displaying in AFS. The transactions were approved and show as delivered in the DROS Portal.

CFD: 26940 (added to CL 9/15/2021) and 26939 (added to CL 9/14/2021) are new dealers that were created as part of our gun type 'Other' regression testing. Transactions approved and delivered by CFD: 26910 (added to CL 06/08/2021) also do not display in AFS.

The transactions attached in the excel document titled "AFS Transactions 9202021" are in question. AFS testers were advised that the dealers are not set up properly on the backend to be accepted by AFS. Additionally, Brandon stated "All records for Pie are on the gun error report due to the dealer; however, the remaining 4 cannot be located."

Expected Result: If a transaction is approved and delivered it shall display in AFS.

Comments

Comment by Edmond Ho [22/Sep/21]

Per our meeting - the reason that transactions did not go all the way through to AFS from DES STG is that the dealer didn't exist on AFS. Koy has since added the dealers (with DID '26940','26939','26905','26910') to AFS and even resent the transactions. Erica Heikila, please take a look or resend transactions.

Comment by Erica Heikila (Inactive) [27/Sep/21]

Edmond Ho this has been resolved. Transactions successfully made it to AFS and a SAEC was approved for those records.

Generated at Fri Jan 13 20:31:21 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

Other Gun - Parent JIRA (DES-1937)

[DES-2180] CFD: 26939 Invoice Summary Does Not Match Dealer Detail Invoice Summary

Created: 27/Sep/21 Updated: 28/Sep/21 Resolved: 28/Sep/21

Status:	Closed
Project:	DROS Entry System
Component/s:	None
Affects Version/s:	None
Fix Version/s:	None

Type:	Sub-task	**Priority:**	ShowStopper
Reporter:	Erica Heikila (Inactive)	**Assignee:**	Unassigned
Resolution:	Functions As Designed		
Labels:	None		
Remaining Estimate:	Not Specified		
Time Spent:	Not Specified		
Original Estimate:	Not Specified		

Attachments:	Dealer Invoice Detail Report.pdf Erica Copy of Gun_Invoice_Summary.xlsx Explanation from Debbie.pdf View Paid Invoices.PNG
Environment:	Staging
Firearms Label:	Other_Gun_Related

Description

Summary: CFD: 26939 Dealer Invoice Detail Report and the Gun Invoice Summary Report do not match.

1. The Invoice Summary Report shows two credits were issued to the dealer and there are no credits identified on the Dealer Invoice Detail Report.
2. The Invoice Summary Report also shows the dealer made a payment of $1078.51 which is correct according to the Dealer Invoice Detail report, however the invoice summary report shows the dealer was billed $1,004.13.
3. The dealers outstanding balance is $-74.38 because of the discrepancy.

CFD: 26939

Username: MIMOUSE4

Password: Password1

Comments

Comment by Erica Heikila (Inactive) [28/Sep/21]

Explanation from Debbie:

We think you are looking at the report generated on 9/22. That report is outdated. Please look at the one generated on 9/24 and only at the new dealer that Stephanie created on 9/24.

Once the invoices are triggered, they can't be changed. So the report on 9/22 is invalid. And the report for 9/24 is only valid for the dealer created on 9/24. We think the CFD number is 26942.

In the real world (production), the invoice job would only be triggered once a month so this problem would not occur. It reports on all invoices for the month, running it twice in one month causes the anomalies.

We have looked at the 9/24 reports and it looks ok to us.

I confirmed 9/24 invoice is accurate. Closing the JIRA.

Generated at Fri Jan 13 20:31:56 PST 2023 by Maricela Leyva using Jira 8.20.16#820016-sha1:9d11dbea5f4be3d4cc21f03a88dd11d8c8687422.

ROB BONTA
Attorney General of California
DONNA M. DEAN
Supervising Deputy Attorneys General
KENNETH G. LAKE (STATE BAR 144313)
ANDREW F. ADAMS (STATE BAR 275109)
Deputy Attorneys General
300 South Spring Street
Los Angeles, CA 90013
Telephone: (213) 269-6525
Facsimile: (916) 731-2120
E-mail: Kenneth.Lake@doj.ca.gov
Attorneys for State of California, acting by and through the California *Department of Justice and Former Attorney General Xavier Becerra in his personal capacity only*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

FRANKLIN ARMORY, INC. AND CALIFORNIA RIFLE & PISTOL ASSOCIATION, INCORPORATED, Plaintiffs, **v.** **CALIFORNIA DEPARTMENT OF JUSTICE, XAVIER BECERRA, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL FOR THE STATE OF CALIFORNIA, AND DOES 1-10,** Defendants.	Case No. 20STCP01747 **DECLARATION OF ALLISON MENDOZA IN SUPPORT OF MOTION BY DEFENDANTS FOR SUMMARY JUDGMENT; OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION OF ISSUES** **Date: July 10, 2024** **Time: 8:30 a.m.** **Dept.: 32** **Honorable Daniel S. Murphy** **RES ID: 554862513719**

I, Allison Mendoza, declare:

1. I am the Director of the Bureau of Firearms (Bureau) in the California Department of Justice's (Department) Division of Law Enforcement (DLE). I have served in this capacity since

EXHIBIT 46

March 2023. As the Director of the Bureau, I provide administrative direction, policy guidance, and control of enforcement and regulatory programs and projects. I act as a liaison with the firearms industry and members of law enforcement, and have appeared before California legislative committees concerning bills affecting the Bureau's operations. I have served in the Department since 1994 and the Bureau since 2009.

2. Prior to becoming the Director of the Bureau, I served as Assistant Bureau Chief from 2015 until March 2023. At some point, the title of this position changed to Assistant Bureau Director. As the Assistant Bureau Chief/Director, I was responsible for managing all activities under the Regulatory Branch, including approximately 30 highly visible and sensitive state-mandated programs, and directing the work of technical, professional, and supervisory staff. I also served as the Department's Federal Bureau of Investigation (FBI) National Instant Criminal Background Check System (NICS) Point of Contact (POC).

3. In my role as Assistant Bureau Chief/Director, I had responsibility for management and oversight of the Dealer Record of Sale (DROS) Entry System ("DES"). The DES is a web-based application used by California firearms dealers to submit firearm background checks to the Department to determine if an individual is eligible to purchase, loan, or transfer a handgun, long gun, and ammunition, and subsequently receive background eligibility check determinations.

4. The Application Development Bureau (ADB) within the Department's California Justice Information Services Division (CJIS) supports the Department's information technology infrastructure. ADB is responsible for designing, implementing, and maintaining DLE's applications, which includes the DES. In my experience, at any given time, there are numerous pending requests for enhancements to be made to the DES. Such requests can arise from, among other things, new or amended statutes, new or amended regulations, court decisions, and technological advancements, to name a few.

5. In my role as Assistant Bureau Chief/Director, I may be involved in the discussions relating to DES enhancement requests. Such discussions, and the decision-making process as to whether to move forward with a DES enhancement, are often collaborative and often involve the Bureau, ADB, the Department's attorneys, and occasionally higher levels within the Department,

such as DLE, CJIS, and the Directorate Division. These discussions and the decision making process—which can include whether to move forward with the enhancement, the parameters of the enhancement, the timeline for completion and deployment of the enhancement—require the relevant parties within the Department to engage in a balancing of multiple factors and a weighing of competing priorities among multiple information technology projects pending at any given time. These discussions and the decision making process involve weighing enhancements mandated by statutes, regulations, or court orders; allocation of available resources for a particular enhancement (such as the required number of personnel it will take to complete the project); the available budget for such an enhancement; and the time it will take to complete said enhancement. In addition, considerations of public safety are very important. Thus, any proposed DES enhancement must be evaluated in terms of the certainty that it will not compromise the Department's ability to meet its mandated obligations and its responsibility to ensure public safety.

6. The issue regarding the Franklin Armory Title 1 firearm was first brought to my attention in the latter part of 2019. My understanding is that Franklin Armory was asserting that, within the DES "Dealer Long Gun Sale" transaction type, this new Title 1 firearm did not fit any of the three options in the "Gun Type" drop-down menu, which were rifle, rifle/shotgun combination, or shotgun. It is my understanding that the three options in the "Gun Type" drop-down menu in the DES "Dealer Long Gun Sale" transaction type had remained the same since at least 2014, before I became Assistant Bureau Chief in 2015.

7. Franklin Armory asserted these three options in the "Gun Type" drop-down menu for the "Dealer Long Gun Sale" transaction type precluded dealers from processing a transfer of the Title I firearm in the DES. It was my understanding that Franklin Armory asserted that the addition of an "other" to the "Gun Type" drop-down menu in the DES "Dealer Long Gun Sale" transaction type was necessary.

8. At some point after the latter part of 2019, the Bureau initiated a review to evaluate the resources required for a potential DES enhancement to add an "other" option in the "Gun Type" drop-down menu in the "Dealer Long Gun Sale" transaction type. This review required the

leadership of the Bureau, in collaboration with ADB and the Department's attorneys, to engage in a balancing of multiple factors and a weighing of competing priorities among the multiple proposed DES enhancement requests pending at that time. We also evaluated and weighed the allocation of available resources to such an enhancement, such as the number of personnel required, budgeting of the enhancement, and the time it would take to complete said enhancement. The onset of the COVID-19 pandemic in March 2020 presented additional difficulties in being able to staff such a DES enhancement.

9. ADB, within CJIS, undertook a review of what would be required to add the "other" option to the "Gun Type" drop-down menu in the DES "Dealer Long Gun Sale" transaction type. At some point, ADB reported back that it would take many months to implement this enhancement, and would require well over a dozen personnel, many of whom would have to be diverted from other projects. Implementing this DES enhancement would have required changes to many other applications and databases in addition to the DES.

10. ADB additionally explored the possibility of doing a DES enhancement that was reduced in scope, temporary, and applicable to only the Title 1 firearm. Under this proposal, a permanent enhancement would be implemented at a later date. ADB estimated such an enhancement would take a few months. ADB also advised that this proposal would present operational difficulties in properly recording the sales and transfers of the Title 1 firearm in the DES until a permanent enhancement was implemented. Such operational difficulties would have raised significant public safety concerns. These factors, including the public safety concerns, were discussed within the Department, which ultimately decided to not immediately proceed with the temporary DES enhancement.

11. SB 118 was signed into law by the Governor on August 6, 2020, which rendered the Title 1 firearm a prohibited assault weapon under Penal Code section 30515. The Department thereafter decided, after weighing competing priorities among the multiple information technology projects pending at that time in the middle of the COVID-19 pandemic, to implement at a later date the DES enhancement that added an "other" option in the "Gun Type" drop-down

menu in the "Dealer Long Gun Sale" transaction type. This enhancement was completed on October 1, 2021.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 25 2024.

Allison Mendoza

Allison Mendoza

DECLARATION OF SERVICE BY MESSENGER

Case Name: **Franklin Armory, Inc. v. California Department of Justice**

No.: **20STCP01747**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230.

On April 26, 2024, I caused the attached **DECLARATION OF ALLISON MENDOZA IN SUPPORT OF MOTION BY DEFENDANTS FOR SUMMARY JUDGMENT; OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION OF ISSUES** to be personally served by **ACE ATTORNEY SERVICE** by placing a true copy thereof for delivery to the following person(s) at the address(es) as follows:

C.D. Michel
Anna M. Barvir
Jason A. Davis
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
Long Beach, CA 90802
Attorneys for Plaintiffs-Petitioners

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on April 26, 2024, at Los Angeles, California.

Sandra Dominguez	/s/ Sandra Dominguez
Declarant	Signature

EXHIBIT 12

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

FRANKLIN ARMORY, INC., et al., Plaintiff-Petitioners, vs. CALIFORNIA DEPARTMENT OF JUSTICE, et al., Respondents-Defendants.	Case No. 20STCP01747

CERTIFIED COPY

REMOTE DEPOSITION OF

DAVID GOCKEL, PMQ

Monday, April 22, 2024

Reported by:

DONNA S. BADGER CRAMIN,
CSR No. 14530

Job No.:
47939AGO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

FRANKLIN ARMORY, INC., et al., Plaintiff-Petitioners, vs. CALIFORNIA DEPARTMENT OF JUSTICE, et al., Respondents-Defendants.	Case No. 20STCP01747

DEPOSITION OF DAVID GOCKEL, PMQ,

taken via Zoom videoconference, commencing at 10:02 a.m. and concluding at 12:38 p.m. on Monday, April 22, 2024, reported by Donna S. Badger Cramin, CSR No. 14530, a Certified Shorthand Reporter in and for the State of California.

APPEARANCES:

FOR THE PLAINTIFFS:

MICHEL & ASSOCIATES, P.C.
BY: ANNA M. BARVIR, ESQ.
-and-
JASON DAVIS, ESQ.
(Present where noted)
180 Ocean Boulevard
Suite 200
Long Beach, CA 90802
562.216.4444
Abarvir@michellawyers.com

FOR THE DEFENDANTS:

ATTORNEY GENERAL OF CALIFORNIA
BY: ANDREW F. ADAMS, DEPUTY ATTORNEY GENERAL
300 South Spring Street
Suite 1702
Los Angeles, CA 90013
213.269.6525
Andrew.adams@doj.ca.gov

I N D E X

EXAMINATION BY:	PAGE
MR. ADAMS	5

E X H I B I T S

DEFENDANTS':	DESCRIPTION	PAGE
1	DOCUMENTS PRODUCED IN RESPONSE TO THE DEPOSITION REQUEST	92

REPORTER'S NOTE: All quotations from exhibits are reflected in the manner in which they were read into the record and do not necessarily indicate an exact quote from the document

calls from dealers. Do you think they would recall the names of the dealers that they were talking to?

A I don't know if they can recall a specific conversation or not. That's up to their memories. Theirs could be as bad as mine.

Q Can you tell me what are your reps' names?

A I would have to look up what firm was with us at that time.

Q Okay. So during that period, 2019 to 2021, you don't recall -- do you recall the name of the firm?

A I believe we went through two to three different firms during that time span.

Q And what were the names of those firms?

MS. BARVIR: I'm sorry. I couldn't hear the question. Were you able to hear it, Dave?

MR. ADAMS: The question was what are the names of the firms.

MS. BARVIR: Thank you.

THE WITNESS: To give you the right names for the right dates, I would have to research that.

Q BY MR. ADAMS: Just give me the names overall. For that time period, who were the firms you were working with? You said two to three?

A I believe -- my dates could be off a little because of the whole COVID thing and everything kind of

runs after that.

I believe one was Wild West Marketing. I would have to look the others up. I don't recall because it's not our current one.

Q Okay. Who is your current rep?

A Maschmedt and Associates. M-A-S-C-H-M-E-D-T.

Q Wild West Marketing, do you know where they were located?

A I'm not 100 percent sure. But if I had to guess, I would say Idaho.

Q In Boise?

A I think Idaho is as close as I can get without looking it up.

Q Okay. Wild West Marketing and there's probably one or two others, but you don't recall those names right now?

A Correct.

Q Okay. And where is Maschmedt and Associates, where are they out of?

A I want to say -- they just moved their office, so maybe Kansas City now. It was Washington state.

Q Okay. Does Maschmedt, do they have individual reps that have, like, a territory that they are assigned to?

A That's how the reps work, yes.

Q Okay. How many specific individual reps do you have, or do they have?

A They handle more than just our line, so I don't know how many total in their company.

Q Okay. So if you have a problem with a dealer in Chico, you call the Maschmedt rep and then he goes and handles the problem with this dealer; is that the way it works?

MS. BARVIR: I'm going to enter an objection for the trade secrets and invasion of privacy.

Go ahead and answer to the extent you can, David.

THE WITNESS: That's how it works in an ideal circumstance.

Q BY MR. ADAMS: Okay. So right now if we had a problem like the CA7 problem that you were discussing before, if that happened with a dealer in Chico, would they call the rep or would they call you?

A Either one of those things could happen.

Q Okay. And you were offered here -- you can provide testimony on some deposits that were entered with Franklin Armory. When I say deposits, I'm talking about the five dollar deposits that were offered on this Title 1. Do you recall that process where you set up the deposits?

A I recall those were sold over our website direct

to consumers.

Q Okay. So when you would sell a deposit directly to somebody on your website, is that a difference outside of your standard operating sales procedure?

A I would say it's not standard. We sell to consumers direct on our website with most of our products and always have. It's another sales channel.

Q Okay. Have you ever had that process --

A All firearms get transferred.

Q I'm sorry. I interrupted you. Please go ahead.

A All firearms, of course, sold through our website are legally and properly transferred through a dealer.

Q What does that mean? If I want to go on your website, I can buy a weapon, but I have to have it shipped to a dealer and then the dealer records that transfer?

A Yes. So we comply with federal law and state laws. And we only ship items legally to where they're going, to a dealer to then process all the state and federal paperwork to transfer it to the customer.

Q Is that different than if I am -- I mean, obviously, there is a different set of state laws. But can I buy something direct from your website if I live in Idaho?

A All firearms have to be transferred through a dealer.

Q Okay. And that's a federal rule?
A Yes.
Q Okay. So when you were taking these deposits on the Title 1, did you assign a dealer to each of those transactions?
A Customers generally send in an FFL for their dealer or contact info when their item is ready to ship.
Q Okay. So you -- so the answer is no, then. You only have an FFL when the item is ready to ship?
A That's generally how we like it.
Q Okay. So when they -- when somebody goes on your website and they submit a five dollar deposit, they don't have to assign an FFL at that point?
A Only before the item ships.
Q Okay. And to your knowledge, did any of the Title 1 firearms ever ship?
MS. BARVIR: Objection. Vagueness as to which Title 1 firearms you are referring to.
MR. ADAMS: Let me rephrase that.
Q BY MR. ADAMS: Any of the Title 1s that a deposit was put down on, did you ever fulfill any of these orders and ship to the dealer?
A I don't recall. I don't believe we shipped any to California.
Q Okay. Do you think you shipped some to other

states, though?
A I think we did, but I'm not sure.
Q Okay. And if you had done that, then you would have -- that purchaser would have had to assign an FFL to that Title 1 to receive it, correct?
A Correct.
Q Was there another time that you are aware of that Franklin Armory accepted deposits on a weapon?
A I believe we've accepted preorders on other items.
Q Okay. And do all preorders, do they have a deposit that's required?
A I believe we've done it that way. Not all of them.
Q Okay. And you are the PMQ. You were designated as the person who can testify as to the deposits. And my question was not just on preorders, but has Franklin Armory ever accepted deposits for a purchase in the past?
A Yes.
Q Okay. And which weapons were those that you accepted deposits on?
A I don't recall, off the top of my head.
Q Was it multiple times that you have accepted deposits?
A We have accepted deposits multiple times.

part of your job -- right? -- dealing directly with customers, right? You just deal with the dealers and distributors, right?

A It's my department, but I don't handle that e-mail account.

Q Okay. So you can see somebody saying -- this person here -- I'm going to zoom in so you can see it better.

All right. This person says: "In 2019 or 2020, while I was living in California, I put deposits on four Title 1 firearms to join a class action suit against the California Department of Justice regarding their inaction in adding the 'other' category for the Franklin Armory title," I'm sorry, "rifle to the California gun roster." And then, "As of July 2020, I no longer live in California and do not fulfill the requirements of class in this legal action." And then the person asks for a refund.

Is this the -- this is the person who would have signed -- they would have gotten your e-mail and they would have signed up and submitted a deposit to join what they call a class action suit, or is this the person you said would buy a California engineered firearm just for curiosity, if you know?

A As far as I can tell, it seems like somebody bought four of them, wanted four of them, couldn't get

them, so they joined the class action suit. And then moved out of state so they no longer needed them because they can buy guns they can't have in California.

MS. BARVIR: I needed to interject on objection on speculation about what that third person had in mind when they wanted to buy a gun. Sorry I didn't put that in advance.

But your answer is fine.

MR. ADAMS: Right. And when I am asking you a question like that, I don't want you to speculate. If you don't know the reason that somebody has done something, I'm just asking you questions about your own personal knowledge.

Q BY MR. ADAMS: And did you talk to anybody that was asking for refunds on their deposit? Did you ever interact with somebody that was requesting their money back?

A No, I don't believe so.

Q Okay. You had said before, you don't recall -- there was a Sacramento declaratory relief action. Do you recall -- were you involved at all with that?

A I don't recall that. I mean, I may or may not have been involved in it, but I really don't remember anything, really, about it.

Q Okay. Did you submit a declaration or offer any

testimony in advance of that declaratory relief action?
A Not that I recall.
Q Would you speak with any of the dealers or your reps about that declaratory relief action?
A Not that I recall.
Q You said before that Mr. Jacobson had referenced you were sitting in a dealership, you got word that one of the dealers was worried about the lack of the "other" option. And this was something called -- you had said this was called a surplus, right? Dom's Surplus?
A Are we discussing the thing we discussed earlier?
Q Yeah. So this is -- you were in the store called Dom's Surplus when one of the dealers told you they had trouble with the "other" option?
A They didn't tell me they had trouble with the "other" option; they told me it didn't exist.
Q Okay. And there is somebody working there by the name of Josh, but you don't recall his last name?
A Correct.
Q Okay. And was there any other dealers that you spoke to that had complained of the same problem?
A Like I said, I received more than ten calls, as we discussed earlier, about not being able to get an "other" option to transfer. And I don't recall who all of those people were.

Q Okay.
A Some of those calls could have even come from reps on behalf of the dealer.
Q So it may have been from a dealer; it may have been from a rep. You don't remember.
A Correct.
Q Okay. And if I asked you to name who those dealers or those reps were, you would be speculating if you had to give those names, right?
A Yeah, I do not remember, to give you the correct information.
Q Okay. And you said now there's ten -- you said before there was less than that, I believe. Do you have an approximate estimate for how many phone calls you got like this?
A I thought we established that, but I would have to go back and check. But I thought when we discussed it earlier that it was at least ten.
Q Okay. Well, regardless of what you said before, as you are as you sitting here now, do you recall how many phone calls you think you got about this missing "other" option?
A I would have to refer to whatever I gave you in my previous answer.
Q Okay. You don't recall as you sit here now?

A I believe what I gave you the number before was accurate, as best of my ability.

Q We had talked earlier about something called a Mossberg Cruiser. Are you familiar with that firearm?

A We have not talked about that at all.

Q I'm sorry. The royal "we." The -- in this litigation, Mr. Jacobson mentioned --

A Oh.

Q -- the Mossberg Cruiser. Are you familiar with a Mossberg Cruiser?

A I think I am picturing that in my head.

Q Okay. Is that a shotgun?

A I don't know what the legal classification is for that in the State of California.

Q Does a Mossberg Cruiser have a stock, if you know?

A I do not believe it does.

Q A stockless shotgun, is that something that can exist?

MS. BARVIR: I'm going to object on the status that this is outside -- is irrelevant to the subject matter of this deposition.

Q BY MR. ADAMS: Fine. If you don't know the answer, you just tell me that. But I'm trying to figure out if you have the same understanding that Mr. Jacobson,

Q Okay. Did you -- you said that you dealt with the dealers much more directly in 2019 but then by the end of 2019, you had kind of phased out of dealing with the dealers; is that right?

A I still deal with a fair amount of dealers. But, yes, less nowadays than it used to be.

MS. BARVIR: I want to object that it was misstating his testimony from earlier. But go ahead.

Q BY MR. ADAMS: So in 2019 you dealt directly with the dealers more than you do now, but you still deal with them somewhat now, right?

A That sounds accurate.

Q Okay. And what were the dealers telling you -- when somebody like Josh at Dom's Surplus, when he had trouble finding a definition for a rifle when he was going to purchase it, how do they process that transfer in 2019?

A I'm confused because you just described a scenario that we haven't discussed nor happened.

Q Okay. Well, the reason I brought up this Mossberg Cruiser, it's a shotgun, I guess without a stock or I -- I don't know. And I don't know the terminology. That's why I'm having to rely on you for it.

But if you are going to process this Mossberg Cruiser on some online system and you have a question about it, I'm trying to figure out how the dealer

dealt with that prior to 2019.

A I would guess that they would call Cal DOJ or Mossberg.

Q To ask about how to process something like that?

A I mean, I'm speculating. But I believe that's Cal DOJ's responsibility.

Q Is what? To provide that feedback? What do you mean by that?

A To provide the classification for the firearm and how to transfer it, since it's their computer system.

Q So using that Mossberg Cruiser as an example, this is what Jay Jacobson -- the only reason I'm using this Cruiser as an example --

MS. BARVIR: Andrew, we can't hear you.

MR. ADAMS: Sorry.

Q BY MR. ADAMS: Jay Jacobson was talking about this Mossberg Cruiser and how you process it, so I'm using that as an example. So if you were talking to a dealer in 2019, how would you expect them to process a Mossberg Cruiser in the system?

A Is that the question for me -- I'm sorry -- or is that a statement that Jay said?

MS. BARVIR: Yeah. I'm going to object that this is all speculative. We don't -- Franklin Armory doesn't sell Mossberg Cruisers.

So if you can answer it, Dave, go ahead, without speculation.

THE WITNESS: Without speculating, I can't answer it.

Q BY MR. ADAMS: Okay. Did you hear any reports from the dealer that you were interacting with in 2019 or prior, how did they process weapons that they had questions on? Did they ever tell you how they dealt with that?

A No, I don't recall any specific conversations about other manufacturers' guns.

Q Okay. What about a Franklin Armory gun that was hard to classify? Did you ever talk to a dealer who had a question about that?

A The only other gun I have talked to California dealers about that had issues with how to transfer was, like we discussed earlier, the CA7. And, again, it was an issue with the Cal DOJ website. But, miraculously, that issue was cured quickly, unlike the Title 1 issue.

Q So using that CA7 as an example, what did the dealer tell you that they were having trouble with?

A I don't recall the specifics, but it was something with a drop-down menu in your -- it's either DROS or DES. I don't know. I don't know what you guys call it. But there was a menu problem in your software.

And then that got fixed within days.

Q What did they tell you, the dealers?

A That they couldn't select a certain something in the menu. I don't remember the specific wording.

Q Okay. So did that cause them anxiety? Did they express frustration? What did they tell you?

A They weren't happy because they couldn't complete the transfers until it was fixed.

Q Okay. Were they concerned about getting arrested or being sued or did anyone express that concern to you?

A Not that I'm aware of.

Q Okay. So then what about this on the Title 1? Did any of these dealers express to you they were worried about being arrested or being sued?

A Not that I'm aware of.

Q Okay. Were you ever meeting in person with any one of these dealers and they told you they were concerned about legal consequences?

MS. BARVIR: Objection to this line of questioning being asked and answered.

Go ahead and answer, David.

THE WITNESS: Okay. I don't recall anything like that.

Q BY MR. ADAMS: Okay.

A It could have happened, but I don't remember it.

Q Okay. This guy Josh at Dom's Surplus, Did he ever express to you a concern that -- of legal consequences if he wasn't able to process the Title 1 correctly?

A I don't remember discussing legal consequences. I remember him being frustrated because it would stop the sale.

Q What do you mean by that? Frustrated -- so he was unable to process the sale? Is that what he was expressing frustration on?

A Yes, if the Cal DOJ or DES or DROS, whatever we are calling it, system doesn't have an option to process the sale, then he can't make a sale. So, therefore, he can't order from me, even though he has customers that want to buy the thing.

Q Okay. And so how would he have processed that if he wanted to process the sale? Did he tell you that?

A I guess I'm unclear, but I'm going to try and answer that the best I can. He can't process it until the -- your system would allow them to do it legally. So the other option, I guess, would be for him to break the law, which he wasn't going to do, nor would anyone.

Q So did he tell you that? He said "I'm not going to break the law and that's why I'm not going to process this transfer"?

A I don't recall having those specific words with him because people in our line of work just don't break the law.

Q So Josh never told you that he -- that the only way for him to process a sale would, in fact, break the law.

Did he ever tell you that?

A He just told me until it said "other," he couldn't make the sales.

Q Okay. And was there anyone else besides Josh at Dom's Surplus that told you the same thing, that he was unable to make the sales?

A Only the same things we discussed earlier with those approximate ten-plus calls. So I'll have to fall back on that.

Q Okay. Did any of these people ever discuss that they were worried about losing their license if they had processed such a sale?

A Not directly with me, as far as I can remember.

Q Okay. Mr. Jacobson said that -- he was asked if you were the only person that would know or have discussed it with any of the dealers, and he said other folks as well. Do you know who else at Franklin Armory would have discussed this with the dealers?

A I would assume whoever was working customer

EXHIBIT 13

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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

REMOTE DEPOSITION OF

BLAKE GRAHAM

Sacramento, California

Tuesday, March 26, 2024

Stenographically Reported by:
Jillian Kirchner, RMR, CRR
CSR No. 14557
LitiCourt Job No. 206294

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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

REMOTE DEPOSITION OF BLAKE GRAHAM, taken on behalf of Petitioners-Plaintiffs, with the witness located in Sacramento, California, on Tuesday, March 26, 2024, beginning at 10:24 a.m. Pacific time and ending at 1:39 p.m. Pacific time, before Jillian H. Kirchner, Registered Merit Reporter, Certified Realtime Reporter, and Certified Stenographic Shorthand Reporter Number 14557, reporting remotely.

APPEARANCES OF COUNSEL

FOR THE PETITIONERS-PLAINTIFFS:

MICHEL & ASSOCIATES, P.C.
BY: SEAN A. BRADY, ESQ.
(VIA ZOOM VIDEOCONFERENCE)
180 East Ocean Boulevard
Suite 200
Long Beach, California 90802
(562) 216-4444
sbrady@michellawyers.com

FOR THE DEFENDANTS-RESPONDENTS:

CALIFORNIA DEPARTMENT OF JUSTICE
BY: KENNETH G. LAKE, ESQ.
(VIA ZOOM VIDEOCONFERENCE)
300 South Spring Street
Suite 1702
Los Angeles, California 90013
(213) 269-6525
kenneth.lake@doj.ca.gov

ALSO PRESENT VIA ZOOM VIDEOCONFERENCE:

TOPE ONI, Technician

INDEX

WITNESS

BLAKE GRAHAM

EXAMINATION	PAGE
BY MR. BRADY	6

EXHIBITS

MARKED	DESCRIPTION	PAGE
Exhibit 39	Notice of Deposition	6
Exhibit 40	Penal Code Section 30515	53

PREVIOUSLY MARKED DEPOSITION EXHIBITS		PAGE
Exhibit 26	Letter from The Davis Law Firm to Attorney General's Office re: DES Gun Type Drop-down List	63

A. Right.

Q. And if there's not an author's name, is it correct that if there is no author's name, that the DOJ lege office generated that language?

MR. LAKE: I'll object. It calls for speculation.

Go ahead, if you can.

A. Yeah, if they -- if they pushed us some language, they may or may not tell us where it came from. I don't remember, necessarily, a bill or something like that where they sent something to us and they didn't identify if there's -- I can remember, over the years, having meetings with those folks. And they're, like, "Hey, are there any legislative ideas this year?" And then we would discuss certain things. And then, depending on what the -- what the issue was, someone might be assigned to work on that.

BY MR. BRADY:

Q. So the lege office did generate language for proposed bills from the DOJ to the Legislature; is that correct?

A. I don't know if "generate" is the right -- but they -- I would say the individual bureaus generated language. The lege office was more of -- as far as they might see some stuff and they're like, "I don't -- this

is not going to go anywhere." And it will never go anywhere, right? So they're more managing, if that makes -- the role. To me, it's a different qualifier about the language or the activity.

Q. Sure. So then the Bureau of Firearms would generate language for a proposed bill to the Legislature?

A. Sometimes.

Q. And the legislative office would be the liaison between the Bureau of Firearms and the Legislature.

Is that fair to say?

A. Yeah, that's correct.

Q. Do you recall -- other than the precursor law language that you drafted, do you recall drafting any other language for a proposed bill to send to the Legislature?

A. I could have done two or three per year, as far as I know. But I don't remember any specific bit of language, I guess, other than the precursor one.

Q. Are you familiar with the term "dealer record of entry system"?

A. Not really. I think -- you might be referring to dealer record of sale, DROS.

Q. Are you --

A. Dealer entry system, DES?

MR. LAKE: You didn't have the word "sale" in that description. It was close, but --

BY MR. BRADY:

Q. Dealer record of sale entry system?

A. Yeah. So the -- the DROS document, the dealer record of sale document, is sort of created inside DES, dealer entry system. I'm not sure if those are getting kind of --

Q. So it's called the "dealer entry system"?

A. That's what I understand it to be.

Q. Okay. Can you describe what the -- and you referred to the dealer entry system as "DES," correct?

A. That's the way I've always heard it talked about.

Q. Okay. Can you describe what DES is?

A. Okay. So first off, I'm not an IT person, so I will do my best.

So DES is a system by which the California firearms dealers can transmit data to the bureau for background check purposes, payment of the background check. I'm trying to think what else would be -- there may be some other things. But, again, this is not my area of expertise. This is more of a program side.

The bureau is sort of split into two. There's an enforcement side, that I was a part of, and then

there's the program side of the bureau that has, I don't know, a couple hundred employees. And they handle most of the background check analysis, all that type of stuff. And they're more IT heavy than the agents are.

Q. You did enforcement of laws as to licensed firearm dealers, correct, in your career at DOJ?

A. Yeah. We would investigate the dealers occasionally, when there was an issue.

Q. And is it your understanding that firearm dealers -- licensed firearm dealers -- "FFLs," as they call them -- are required to use the DES in making firearm transactions?

MR. LAKE: I'm just going to object. It's vague as to time. It's also overbroad and vague as to the subject matter.

Go ahead, if you can.

A. Since I've been at the department, there's been various changes to DES. But it -- towards the latter half of my career, my understanding, DES has been the one system that they're supposed to use. I know probably earlier in my career, there may have still been paper forms that were being generated that the gun stores mailed in, et cetera. So just know that there was sort of an evolution of the process while I was here.

BY MR. BRADY:

Q. Understood.

But at some point, FFLs were required to use DES to make firearm transactions during your career; is that correct?

A. Yes.

Q. Have you ever heard of the plaintiff in this matter, Franklin Armory?

A. Yes.

Q. And where did you first hear of Franklin Armory?

A. I don't know the exact year. I'm trying to think. It would have been -- I can at least tell you that it would have been after 2008, but I don't remember --

Q. And why do you say -- why do you say that year?

A. That's when I took over as sort of an acting supervisor in the role that I had for -- I was an acting supervisor for about two years. And then in 2010, I was promoted. And so from 2008, I had a lot of interactions with the California handgun roster, and I don't know when Franklin Armory started sending in submissions. So I can just kind of put a rough estimate. It would have been after 2008.

Q. And can you describe the context in which you

learned about Franklin Armory? Was it because it was submitting firearms to the DOJ for review?

A. I think that was the -- probably the first reason I would have known about Franklin Armory. If I say "Franklin" or "Franklin Armory," it's the same thing to me. Just for the court reporter. We -- at the bureau, a small group of us, anyway, had interactions with various manufacturers that wanted to get their guns for -- into market, so to speak, into -- in California. So one of my employees would interact with various manufacturers on a daily basis. And, occasionally, I would have a reason to interact with some of them too.

BY MR. BRADY:

Q. And did you ever interact with anybody at Franklin Armory?

A. Yes. I think Mr. Jay Jacobson.

Q. Do you recall what those interactions involved?

MR. LAKE: Just vague as to time.

But go ahead.

A. Yeah, I think some of his products that he was trying to get on the handgun roster, which were single-shot pistols that, in general, visually, they look like an AR-15 pistol. I'll just kind of keep it high level at that point.

BY MR. BRADY:

Q. And so you were discussing with Mr. Jacobson what? Whether his product could be included on the California roster of handguns?

A. Yeah. Some of it was about the -- and this is going way back, but some of it dealt with if his product was a single shot. Some of the discussions, I think, had to deal with a specific magazine that he had developed that would probably -- and way -- a way the magazine was -- call it "retained" inside the magazine well. So we had, I think, some discussions over that.

Q. Have you heard of the Franklin Armory Title 1 firearm?

A. Yes.

Q. Can you explain what your understanding of that firearm is?

A. Sure. My understanding is that -- and again, I've not seen one, that I know of, in person. But my understanding is that it's an AR-15-style firearm, but it does not have a traditional stock attached to it. More of like a pistol buffer tube but a rifle barrel length. So maybe, like, a -- I'll call it a "hybrid," if you will.

Q. Could you explain what you mean by "hybrid"?

MR. LAKE: Mr. Brady, if I could just inject.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name this 5th day of April, 2024.

Jillian Kirchner

JILLIAN KIRCHNER, CSR No. 14557

C.D. Michel – SBN 144258
Jason A. Davis – SBN 224250
Anna M. Barvir – SBN 268728
Konstadinos T. Moros – SBN 306610
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd, Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444
Facsimile: (562) 216-4445
Email: CMichel@michellawyers.com

Attorneys for Petitioners - Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

FRANKLIN ARMORY, INC., et al., Petitioners-Plaintiffs, v. CALIFORNIA DEPARTMENT OF JUSTICE, et al., Respondents-Defendants.	Case No.: 20STCP01747 [Assigned for all purposes to the Honorable Daniel S. Murphy; Department 32] **SECOND AMENDED NOTICE OF DEPOSITION OF BLAKE GRAHAM** Action filed: May 27, 2020

DEPOSING PARTY:	Plaintiff Franklin Armory, Inc.
DEPONENT:	Blake Graham
DATE & TIME:	March 26, 2024 at 9:00 AM
LOCATION:	Remote via Zoom

EXHIBIT 39

PLEASE TAKE NOTICE that Petitioners-Plaintiffs will take the deposition of Blake Graham. A Deposition Subpoena for Personal Appearance is attached to this Notice. The deposition will be taken by remote means pursuant to Code of Civil Procedure section 2025.310, and it will commence at **9:00 AM PST** on **March 26, 2024**. Such deposition will be taken before an officer authorized to administer oaths in the State of California, and will continue from day to day thereafter, excluding Saturdays, Sundays, and holidays until completed, or until seven hours of deposition has occurred.

YOU ARE FURTHER NOTIFIED THAT the deposing party intends to cause the proceedings to be recorded stenographically. The deposing party reserves the right to record the deponent's testimony by audiotape, videotape, or by real-time transcription, or any combination thereof, pursuant to California Code of Civil Procedure section 2025.220(a)(5), and to use such recorded testimony at the trial of this matter, or any other proceeding or hearing herein.

Date: March 15, 2024

MICHEL & ASSOCIATES, P.C.

Anna M. Barvir
Attorneys for Petitioners-Plaintiffs

SUBP-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):	FOR COURT USE ONLY
Anna M. Barvir – SBN 268728 MICHEL & ASSOCIATES, P.C. 180 E. Ocean Blvd, Suite 200 Long Beach, CA 90802 TELEPHONE NO.: (562) 216-4444 FAX NO. (Optional): (562) 216-4445 E-MAIL ADDRESS (Optional): abarvir@michellawyers.com ATTORNEY FOR (Name): Franklin Armory, Inc., et al.	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: Franklin Armory, Inc., et al. DEFENDANT/RESPONDENT: California Department of Justice, et al.	
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE	CASE NUMBER: 20STCP01747

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of deponent, if known)*:
Blake Graham, 1150 Souza Way, Folsom, CA 95630

1. **YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:**

Date: March 26, 2024	Time: 9:00 AM	Address: Remote via Zoom

a. [ ] As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 2. (Code Civ. Proc., § 2025.230.)

b. [x] This deposition will be recorded stenographically [x] through the instant visual display of testimony and by [x] audiotape [ ] videotape.

c. [ ] This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).

2. [ ] If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are as follows:

3. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF $500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: March 15, 2024

Anna M. Barvir
(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Plaintiffs Franklin Armory, Inc., et al.
(TITLE)

(Proof of service on reverse)

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-015 [Rev. January 1, 2009]

DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

Code of Civil Procedure §§ 2020.310, 2025.220, 2025.230, 2025.250, 2025.620
Government Code, § 68097.1
www.courts.ca.gov

PLAINTIFF/PETITIONER: Franklin Armory, Inc., et al. DEFENDANT/RESPONDENT: California Department of Justice, et al.	CASE NUMBER: 20STCP01747

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

1. I served this *Deposition Subpoena for Personal Appearance* by personally delivering a copy to the person served as follows:
   a. Person served *(name)*:
   b. Address where served:
   c. Date of delivery:
   d. Time of delivery:
   e. Witness fees and mileage both ways *(check one)*:
      (1) ☐ were paid. Amount: . . . . . $ _____
      (2) ☐ were not paid.
      (3) ☐ were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was *(specify)*: . . . . . $ _____
   f. Fee for service: . . . . . $ _____
2. I received this subpoena for service on *(date)*:
3. Person serving:
   a. ☐ Not a registered California process server
   b. ☐ California sheriff or marshal
   c. ☐ Registered California process server
   d. ☐ Employee or independent contractor of a registered California process server
   e. ☐ Exempt from registration under Business and Professions Code section 22350(b)
   f. ☐ Registered professional photocopier
   g. ☐ Exempt from registration under Business and Professions Code section 22451
   h. Name, address, telephone number, and, if applicable, county of registration and number:

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

Date:

▶ _____
(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

▶ _____
(SIGNATURE)

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

On March 15, 2024, I served the foregoing document(s) described as

SECOND AMENDED NOTICE OF DEPOSITION OF BLAKE GRAHAM
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE

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

Kenneth G. Lake
Deputy Attorney General
Email: Kenneth.Lake@doj.ca.gov
Andrew Adams
Email: Andrew.Adams@doj.ca.gov
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Attorney for Respondents-Defendants

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

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

Executed on March 15, 2024, at Long Beach, California.

Laura Palmerin

State of California

PENAL CODE

Section 30515

30515. (a) Notwithstanding Section 30510, "assault weapon" also means any of the following:

(1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(B) A thumbhole stock.

(C) A folding or telescoping stock.

(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

(2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that does not have a fixed magazine but has any one of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(B) A second handgrip.

(C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

(A) A folding or telescoping stock.

(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that does not have a fixed magazine.

(8) Any shotgun with a revolving cylinder.

(9) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that does not have a fixed magazine, but that has any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the acti

(B) A thumbhole stock.

EXHIBIT
40

(C) A folding or telescoping stock.

(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

(G) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

(H) A second handgrip.

(I) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.

(J) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(10) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has a fixed magazine with the capacity to accept more than 10 rounds.

(11) A semiautomatic centerfire firearm that is not a rifle, pistol, or shotgun, that has an overall length of less than 30 inches.

(b) For purposes of this section, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) The Legislature finds a significant public purpose in exempting from the definition of "assault weapon" pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of "assault weapon" pursuant to this section are exempt, as provided in subdivision (d).

(d) "Assault weapon" does not include either of the following:

(1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (c):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT

PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

(3) The Department of Justice shall create a program that is consistent with the purposes stated in subdivision (c) to exempt new models of competitive pistols that would otherwise fall within the definition of "assault weapon" pursuant to this section from being classified as an assault weapon. The exempt competitive pistols may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

(Amended by Stats. 2020, Ch. 29, Sec. 38. (SB 118) Effective August 6, 2020.)

PROOF OF SERVICE

Case Name: *Franklin Armory, Inc., et al. v. California Department of Justice, et al.*
Court of Appeal Case No. B340913
Superior Court Case No. 20STCP01747

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

On May 21, 2025, I served a copy of the foregoing document described as: **APPELLANTS' APPENDIX, VOLUME X OF XX, Pages 1280-1429**, on the following parties, as follows:

Kenneth G. Lake
Kenneth.Lake@doj.ca.gov
Andrew F. Adams
Andrew.Adams@doj.ca.gov
Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013

Attorneys for Respondent

These parties were served as follows: I served a true and correct copy by electronic transmission through TrueFiling. Said transmission was reported and completed without error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 21, 2025, at Long Beach, California.

Laura Fera
Declarant