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 XII OF XX
Pages 1464-1529

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

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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]

EXHIBIT 15 OF 19 TO DECLARATION OF ANNA M. BARVIR IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR SUMMARY ADJUDICATION

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

EXHIBIT 15

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, ROBERT A. BONTA, in his official capacity as Attorney General for the State of California, and DOES 1-10,	)	
Respondents-Defendants.	)	

DEPOSITION VIA VIDEOCONFERENCE OF

JENNIFER E. KIM

WEDNESDAY, JANUARY 3, 2024

Stenographically Reported by:
Vicki Resch, RPR, CSR 6645

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, ROBERT A. BONTA, in his official capacity as Attorney General for the State of California, and DOES 1-10, Respondents-Defendants.	Case No. 20STCP01747

DEPOSITION OF JENNIFER E. KIM, TAKEN VIA VIDEOCONFERENCE, on behalf of the Petitioners-Plaintiffs, at 9:56 a.m., Wednesday, January 3, 2024, before Vicki Resch, Certified Shorthand Reporter No. 6645 in the State of California.

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I N D E X

WITNESS: Jennifer E. Kim

E X H I B I T S

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, ROBERT A. BONTA, in his official capacity as Attorney General for the State of California, and DOES 1-10, Respondents-Defendants.	Case No. 20STCP01747

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WITNESS: Jennifer E. Kim

E X H I B I T S

purview?
A So budget proposals that are related to specific departments that are considered public safety are heard through our subcommittee. And the Department of Justice, if they have budget proposals that are introduced through the governor's budget, they come through our subcommittee for review and analysis.
Q Okay. So perhaps there's some sort of policy or something that the DOJ is working on and it needs money to do so. It might bring a proposal to -- that's a budgetary proposal that would go through public safety, committee number six; is that right?
A It has to go through a process through the Department of Finance, and it has to be a part of the governor's budget, typically, in order to get --
Q It can't go straight to subcommittee six. There's a process by which it's introduced, but eventually would it end up in the subcommittee six for consideration by the legislature?
A Generally, yes.
Q Have you ever been employed in any other capacity with the California state assembly?
A No.
Q Have you ever been employed in any other

capacity with the California state government, more broadly?

A Yes.

Q What was your most recent role with the California state government?

A The judicial counsel.

Q What was your job title?

A Supervising analyst.

Q What did you analyze?

A Language access issues in the courts.

Q Did your responsibility as an analyst for the office of judicial council ever involve firearms issues?

A No.

Q Before your position with the office of judicial council as an analyst, did you have any other position with the State of California government?

A No.

Q Before taking your position with the California state government, what was your job before that?

A I worked at a nonprofit organization.

Q Which nonprofit?

A The Ella Baker Center for Human Rights.

Q Where is the Ella Baker Center?

A Oakland, California.
Q And what does the Ella Baker Center do?
A I'm not sure what they do now, but when I worked there, we worked on policies related to juvenile and criminal justice.
Q In your position -- what was your title at the Ella Baker Center for Human Rights?
A The director of programs.
Q As director of programs, as a director of programs for the Ella Baker Center, did your work -- did your responsibilities include working on issues related to firearms?
A No.
Q Have you ever worked for the California Department of Justice?
A No.
MS. BARVIR-BOONE: I'm going to reveal the next document. I'm going to mark it as Exhibit 2.
(Exhibit 2 was marked for identification and is attached hereto.)
MS. BARVIR-BOONE: For some reason, I'm not seeing if it's revealed. Can you guys let me know if you see it?
MR. HERZBERGER: Yes.
MS. BARVIR-BOONE: Did Exhibit 1 go away?

MR. HERZBERGER: It did, yeah.

MS. BARVIR-BOONE: Okay. Good. Thank you.

BY MS. BARVIR-BOONE:

Q Please take a moment to review the document on your screen.

MR. HERZBERGER: We need to scroll on our end, I assume?

MS. BARVIR-BOONE: Yes, you should be able to scroll on your end. If not, let me know.

MR. HERZBERGER: Okay. So we're looking at five pages here.

BY MS. BARVIR-BOONE:

Q Yes. It looks like an email on the first page.

Have you had enough time to look at the document?

A Yes.

Q All right. Do you know what this document is?

A Yes.

Q Can you describe it for me?

A It's a summary and background document on the -- on AB 88 as it relates to sections 40 through 43.

Q Have you seen this document before today?

A Yes.
Q Does it look different from when you saw it before?
A I don't think so.
Q Just look at the first page, if you can. It should be an email.
For the record and just so we're making sure that we are on the same page, can you state the date of the email and the subject for me?
A Thursday, June 25, 2020. Subject is "Forward:PIFL."
Q Thank you. That's what I have, too. It says it's from a Bosler Keely.
Do you know who Keely Bosler is?
A Yes.
Q Who is she or they?
A The former director of finance.
Q You said former. Do you know where Keely Bosler -- where they're working today?
A No.
Q How about Jason Sisney?
A I'm not quite sure about his title. Are you asking for his title?
Q So do you know who Jason Sisney is?
A Yes.

Q And do you know -- and you don't know his title?

A I believe it's budget director.

Q Maybe this will work better. Do you know what department Mr. Sisney works in?

A Yes.

Q What is that?

A He works for the assembly office of the speaker.

MR. ADAMS: I'm looking to interject, but I'm looking at these emails and it looks like they're prepared by Laura Palmerin. When I look at the Outlook, I know that's your secretary. I don't get this. Maybe I'm showing my age here.

MS. BARVIR-BOONE: Laura Palmerin is my secretary. These were received as a public records act request response from the Department of Finance, and they sent us to them in their native format as these emails, and that's the only way they will come out.

Does that make sense?

MR. ADAMS: Yes.

MS. BARVIR-BOONE: Thank you for bringing that up. I think that is helpful.

///

BY MS. BARVIR-BOONE:

Q All right. Okay. Mr. Sisney is currently with the assembly office of the speaker?

A Yes.

Q Do you know, was Mr. Sisney with that office around -- in the year 2020?

A Yes.

Q Okay. Do you know who Aaron Edwards is?

A Yes.

Q Who is Mr. Aaron Edwards?

A He works for the Department of Finance.

Q The Department of Finance. And do you know his position?

A I don't.

Q Okay. And Amy Jarvis, do you know who Amy Jarvis is?

A Yes.

Q Who is Amy Jarvis?

A She also works for the Department of Finance.

Q Do you know her position?

A I don't know her position title.

Q Okay. And then do you know who Vivek Viswanathan is?

A Vivek was also with the Department of Finance.

Q Was?
A Was.
Q He's no longer -- they're no longer with the Department of Finance?
A No longer.
Q Looking at the email, Ms. Bosler's June 25 email refers to, quote, "The pifle discussion." I assume I'm saying that correctly.
Do you know what a pifle is?
A Yes.
Q Could you please describe your understanding of what a pifle is?
A My understanding of a pifle is a combination of a pistol and a rifle.
Q A combination of a pistol and a rifle?
A Yes.
Q When you -- when would you say you first heard of the term "pifle"?
A In 2020.
Q Who did you first hear that term from?
A I don't think I heard it from a person.
Q Did you read about pifles?
A Yes.
Q Where did you --
A As part of the governor's budget.

Q In what year?
A I believe it was in 2020.
Q Can you describe the circumstances under which you would have read about the term "pifle" in the governor's budget?
A As part of the introduction of one of the trailer bills.
Q What's a trailer bill?
A A trailer bill is legislation that accompanies the state budget to enact the budget.
Q Okay. Is it given a number like other bills?
A Yes.
Q Do you know which -- what number was assigned to the trailer bill where you learned of the term "pifle"?
A The trailer bill is an omnibus bill, so it includes various different subjects that fall under public safety. So the bill number is AB 88. I can't remember the -- AB 88, and whatever senate bill, corresponding senate bill it was.
Q So AB 88 means Assembly Bill 88?
A Correct.
Q In the year 2020?
A Yes.
Q Okay. You said it's an omnibus bill. So it

addresses many topics that are budgetary related to your subcommittee public safety?

A It covers various subjects related to public safety.

Q Thank you.

What, if you can recall, did Assembly Bill 88 do with regard to firearms in 2020?

A I just remember there were maybe two different pieces related to firearms, one of them addressing pifles.

Q What did it do with regard to pifles?

A Provided clarification in the law.

Q What clarification did it provide?

A To effectuate the legislative intent. The legislative intent in the law that already existed.

Q And what law was that?

A Related to assault weapons.

Q So what did it clarify with regard to assault weapons and pifles?

A So my recollection was that it clarified the definition of assault weapons so that pifles would fall under that definition.

Q Okay. Do you recall what happened to AB 88?

A It was enacted.

Q It was enacted?

A Correct. I can't remember if it was the AB or the SB. One of the versions gets enacted. They're identical.

Q Mm-hmm.

A I don't remember which of the two got enacted.

Q Okay. Going back to the term "pifle," is that a legal term? Is that something that's in statute or regulation somewhere?

A I don't remember.

Q Okay. Do you know whether pifle, p-i-f-l-e, as stated in this email that we have in front of us, is the same as pifl p-i-f-l in the subject? Would they be referring to the same thing?

A Yes.

Q In your experience, do people go back and forth calling it a pifle with an E or pifl without an E, or maybe that's a typo?

A I don't remember the back and forth.

Q When you speak or write about pifles, do you spell it with an E, p-i-f-l-e?

A I'd have to refer to the emails that I wrote because it was some time ago.

Q To your knowledge, has a pifle ever been used in a crime?

A I don't know.
Q On page 5, the last page of this exhibit -- actually, I might -- I'm so sorry. Could you go back to the first page? Are you there?
A Yes.
Q All right. In Keely Bosler's email, the second sentence says, "We put together this one-pager."
Do you see that?
A Yes.
Q All right. And on -- back down to page 5, the top of this page reads, "Summary and Background of AB 88 Sections 40 through 43."
Do you see that?
A Yes.
Q And you've seen this particular document before?
A Yes.
Q Do you know whether this summary and background of AB 88 sections 40 to 43 is the one-pager referred to in Ms. Bosler's June 25 email?
A That is my understanding.
Q Okay. Do you know who drafted this summary and background of AB 88 sections 40 to 43?
A I don't know.

Q So you did not participate in preparing this one-page summary and background?
A No.
Q Do you know who else this document was shared with?
A I don't know who else it was shared with outside of who's listed in the email.
Q That's fair. What was -- do you know what this one-pager summary and background of AB 88 was used for?
A To provide additional information related to the introduced trailer bill.
Q Assembly Bill 88?
A So Assembly Bill 88 wasn't -- the bill number gets assigned later. It's just a trailer bill, its own kind of standalone trailer bill that was introduced.
Q Okay. Is this something that would have been distributed to the members of the assembly or the legislature?
A I don't know.
Q You don't know. Okay.
What role did you play in the consideration of AB 88?
A So I read the trailer bill. I asked

questions related to the trailer bill to provide information and background to the members I work for.

Q Did you help draft any part of it?

A No.

Q Okay. Did you create talking parts or otherwise help prepare for the debate or discussion of AB 88?

A I created one -- I believe maybe one bullet point that just described what it was.

Q Okay. Do you remember what that bullet point was?

A No.

Q It was a long time ago. I understand. That's fair.

Did you do any research with regard to your role in the consideration of AB 88?

A So as it relates to this specific section of AB 88. I had conversations with the Department of Finance and the Department of Justice to get additional background.

Q Who in the Department of Finance, if you can recall, did you speak to about this pifle assault weapon section of AB 88?

A Aaron Edwards. And I don't remember who else I may have spoken with.

Q Do you recall when you might have had these discussions with Mr. Edwards at the Department of Finance about AB 88 pifles and assault weapons?

A I can give you a range.

Q That's fair.

A It would probably have been between February and June of 2020, possibly also July, August. Just that kind of range.

Q While the bill was being considered in 2020?

A (Witness nods head.)

Q Do you recall what you discussed with Mr. Edwards at the Bureau of Finance about AB 88 assault weapons and pifles?

A I don't remember specifically what was discussed.

Q Okay. You said also that you had conversations with the Department of Justice about AB 88 and this particular part of it; is that correct?

A That's correct.

Q Do you recall who you spoke with at the Department of Justice about AB 88 assault weapons, pifles?

A I recall one name. Ashley Ayres, A-y-r-e-s.

Q Do you know what Ms. Ayres' position with the Department of Justice was?

A Mister.
Q Thank you.
A I don't.
Q Okay. Do you recall when it was that you might have had these conversations or this conversation with Mr. Ayres about AB 88 pifles, assault weapons?
A That same time frame.
Q Which was February to June 2020, perhaps July, August 2020?
A Correct.
Q Thank you. You had explained to me that the summary and background of AB 88 sections 40 to 43 was more about just generically the trailer bill, so maybe not specific to AB 88.

Is that a correct understanding of what you were explaining to me?
A Could you repeat that?
Q Earlier you had stated that this one-pager, this summary and background of AB 88 was more about the trailer bill more generally, not just -- it could have been other bills.

Is that a correct understanding?
A So AB 88, this one-pager refers to a specific section within AB 88.

Q So this was -- was this one-pager summary and background only used for AB 88, or was it used for -- with regard to other legislation?

A To my understanding, only for AB 88 or sections 40 through 43.

Q Thank you.

Are you familiar with Assembly Bill 118 from 2020?

A Assembly Bill 118?

MR. HERZBERGER: Or Senate Bill 118?

MS. BARVIR-BOONE: No, it's Assembly Bill 118. Let me think. Let me go back here.

BY MS. BARVIR-BOONE:

Q Do you recall whether or not AB 88 ultimately died in committee and a similar or identical bill known as Assembly Bill 118 was later introduced?

A There wouldn't have been two ABs. There would have been one assembly bill and one senate bill. So between the two, one of them -- and they're identical.

Q Right. But if AB 88 died in committee and a different bill like AB 118 was actually adopted, is that your recollection?

A I don't know AB 118. I'm not familiar with that.

Q So your recollection is that AB 88 passed and was enacted?

A No.

(Simultaneous speakers.)

THE WITNESS: What I said was AB 88 and the corresponding senate bill. I just don't remember the number. They are identical. And only one of the bills went through and was enacted, which is the typical process.

MR. HERZBERGER: In the deposition notice, it does refer to an AB 88 and an SB 118, if that's what we're getting at.

MS. BARVIR-BOONE: It's not SB 118. I'm not sure why it says -- well, perhaps maybe I do have it wrong. Let me double-check. All right. I need to get the bill uploaded to Agile, so I need to go off record and take a 10-minute break.

Is that okay with you guys?

MR. HERZBERGER: That's fine.

MS. BARVIR-BOONE: All right. Thank you.

(Recess.)

MS. BARVIR-BOONE: Thank you for that moment. Correct, it was a typo in my notes. It is Senate Bill 118 that I was referring to.

Let me reveal this document and mark it

Exhibit 3.

(Exhibit 3 was marked for identification and is attached hereto.)

MS. BARVIR-BOONE: Let me know when you can see it.

MR. HERZBERGER: We can see it.

MS. BARVIR-BOONE: Fantastic.

BY MS. BARVIR-BOONE:

Q Ms. Kim, could you please take a moment to review this document? It's a long one, so take your time.

A Okay.

Q Have you had sufficient time to review it?

A Yes.

Q Do you know what this document is?

A Yes.

Q Have you seen this document before today?

A Yes.

Q Can you tell me what this document is?

A It's Senate Bill 118.

Q From 2020; is that correct?

A Correct.

Q All right. So can we agree to call it SB 118?

A Yes.

Q All right. Let's look at page -- I think it's seven. At least seven is the number at the top.
A Okay.
Q In the subsection 15, the second paragraph of that, it says, "This bill would expand the definition of assault weapon to include a semiautomatic firearm."
Do you see that sentence?
A Yes.
Q Okay. So it says, "This bill would expand the definition of assault weapon to include a semiautomatic firearm that is not a rifle, pistol or shotgun that either does not have a fixed magazine but has one of these attributes."
Do you see that?
A Yes.
Q So this language in SB 118, is this similar or identical to what AB 88 was attempting to do?
A Yes.
Q Okay. So this is -- is SB 118 another trailer bill?
A Yes.
Q Okay. If you go to page 60, again, it's the 60 at the top. Oh, goodness. There we go.
A Okay.
Q Did you get there?

A Yes.
Q What does -- can you tell me what page 60 shows us?
A It shows the sections that were amended for the purposes of this trailer bill.
Q Okay. So is that at the top there, the number 30515?
A Correct.
Q Did this trailer bill add all of this language or just some of it?
A Just some of it.
Q The clarification you were talking about?
A Yes.
Q Okay. Is it -- do you recall which sections or section it added?
A I don't.
Q Okay. If you scroll down to -- in that page, it looks like a subsection 9 talks about a semiautomatic centerfire firearm that is not a rifle, pistol or shotgun without affixed magazine.
Is that talking about what this bill would have expanded?
A Not having reviewed this since 2020, I don't know for sure.
Q Okay. No need to apologize. That's okay.

I'm just trying to make sure we're all on the same page.

Okay. Do you remember what happened to SB 118?

A It was enacted.

Q And does that mean that AB 88 was also enacted, or was it not enacted?

A Only one trailer bill gets enacted.

Q Okay. But they're the same or they're similar --

A They're identical.

Q Okay. They're identical.

So you're with the assembly budget committee. The assembly budget committee sees AB 88, though, correct?

A Yes.

Q Did you have any role in the consideration or adoption of SB 118?

A Yes.

Q Can you describe that role?

A So I put together the senate bill version. It sounds strange. And the senate puts together the assembly bill version.

Q Oh. Can you explain why that is?

A It's just -- I don't know. It's just a

process. But the components are identical. So it's just a process thing.

Q So when you say you put together the senate bill version, what do you mean by that?

A So the trailer bills that get introduced and there is agreement to put in the trailer bill with the senate and the assembly, those get assigned to a bill. And so SB 118 was where all of the different components of the public safety trailer bill were added.

Q So are you saying that you drafted SB 118 or --

A I did not draft SB 118. So trailer bill, when it gets introduced as part of the governor's budget, they're introduced as different pieces. So there may be a trailer bill on subject A, a trailer bill on subject B, a trailer bill on subject C.

Q Okay.

A And so if it falls within the purview of public safety, they get bundled together, and later they're put in one trailer bill vehicle. So each vehicle does not get its own AB or SB number.

Q Okay. So you bundle --

A Yes.

Q You didn't draft each of those trailer bills?

A No, I did not.
Q Got it.
A I apologize.
Q No, do not. I don't understand this, but I'm just trying to understand the process. It's very helpful. Thank you.
Did you create talking points or otherwise prepare legislatures to discuss SB 118?
A Yes.
Q Can you explain what it was that you did to help legislatures to prepare to discuss SB 118?
A A simple summary of what the trailer bill includes.
Q You drafted a summary of what the trailer bill includes?
A Yes.
Q Okay. And you did -- are you referring to -- when you talk about a summary, I want to make sure we're referring to the same thing.
Did you do it -- do you have to create lots of summaries for each of the different subjects or -- or is it one about the entire bill?
A Typically, one bullet point for each -- it's a very -- it's a broad summary for each of the components in the trailer bill.

Q So specifically, through the assault weapons definition pifles, you created maybe one bullet point within a larger summary of the trailer bill?
A Correct.
Q For SB 118?
A Correct.
Q Okay. I just want to make sure that I'm getting -- so SB 118 isn't considered the trailer bill? It's a bundle of trailer bills?
A No. SB 118 is the trailer bill.
Q Mm-hmm.
A The components, the various policies that are in the trailer bill are also separate trailer bills, and then they become this mega trailer bill.
Q Okay. Thank you. I just want to make sure that when I say things like trailer bills, if I'm referring to SB 118 or AB 88, that I'm using the proper language that you can understand. So thank you for clarifying.
Did you do any research with regard to your role in the adoption of SB 118?
A Yes.
Q Can you describe that, please?
A As I described before, they're typically conversations that I have with whichever department

and the Department of Finance that's introducing the piece of trailer bill.

Q So generally, that's what you would do. Did you do that with regard to SB 118?

A Yes.

Q Yes. Do you recall who those -- who you had those conversations with?

A So just for the component related to the assault weapons?

Q Correct. Thank you.

A I already mentioned the individuals at the Department of Finance and the Department of Justice.

Q So Aaron Edwards from the Department of Finance and Ashley Ayres from the Department of Justice?

A Those are the names I remember.

Q Okay. There may have been others?

A There may have been others.

Q Okay. So are these -- are these separate communications or correspondence about SB 118 and AB 88, or would they have been the -- are you referring to the same conversations?

A Same conversations.

Q Okay. I'm going to re-reveal Exhibit 2, the one-pager. Let me know when you see it.

A I see it.
Q All right. If you go down to paragraph 3, about the middle of the paragraph, it refers to a loophole.
Do you see where it references a loophole?
A Yes.
Q Can you explain what loophole this document is referring to?
A The loophole is related to the definition of assault weapon.
Q Can you explain further why that is a loophole? What makes it a loophole?
A My understanding is that the definition of an assault weapon is a rifle, pistol or shotgun. And loophole refers to something that does not squarely fit under that label.
Q Of a rifle, pistol or shotgun?
A Yes.
Q Okay. How did you -- you said this was your understanding. Do you recall how you came to understand about that loophole?
A Yes.
Q Can you describe that?
A Sure. So the conversations I had with the Department of Justice, Department of Finance as well

as a document like this to provide the summary background.

Q Do you recall when you -- when you received this document or you saw this document?

A I believe it was dated in June, so that must have been when I saw it.

Q 2020?

A Yes.

Q The first sentence of paragraph 4 --

A Yes.

Q Sorry. It reads, quote, "We know that firearm manufacturers are actively working to exploit this loophole," end quote.

Do you see that?

A Yes.

Q Do you know which manufacturers were working to exploit this so-called loophole?

A I don't remember.

Q Do you know of any evidence that manufacturers were working to exploit this so-called loophole?

A Besides the information I receive from the Department of Finance and DOJ, no.

Q And when you say besides the information you receive from the Department of Finance and the DOJ,

are you referring to those conversations or other --
A Yes. Yes.
Q Did you first learn of this loophole -- exploitation of loophole through this document of June 2020, or was it earlier than that?
A I believe it was earlier.
Q Do you recall when about that would have been?
A No.
Q Okay. Earlier you said you had these conversations probably between February and June 2020. Is that probably around that same time frame?
A Yes.
Q Yes. Okay. Thank you.
Paragraph 4 of this summary and background of AB 88 goes on to give an example of manufacturers exploiting the loophole. It describes Franklin Armory's construction of a firearm marketed under the name Title 1.
Have you ever heard of the name Title 1 firearm?
A No.
Q No. Paragraph 4 of the summary and background of AB 88 next claims that, quote, "Manufacturers are currently selling parts that allow

people to assemble these sorts of firearms themselves and are pushing to sell fully assembled firearms, too."

Do you see that?

A Yes.

Q Do you know which manufacturers this is referring to?

A No.

Q Okay. Are you aware of any evidence that supports that claim?

A Besides conversations, no.

Q The conversations you had with members of the Department of Finance and Department of Justice between February 2020 and June or August 2020?

A Yes.

Q Okay. And at the end of paragraph 4 of the summary and background of AB 88 states that, quote, "Firearm vendors in California have not sold these guns out of concern for liability issues."

Do you see that?

A Yes.

Q Do you know what liability issues that references?

A I'm assuming it's related to the prohibition of selling prohibited firearms. Assault weapons.

Q So you assume that firearm vendors were afraid of liability for selling banned assault weapons. Is that what you're saying?

A Yes.

Q Why -- where did you -- why did -- where did you get that understanding?

A From the conversations and background from the DOJ and the Department of Finance.

Q Okay. The same conversations between February --

A Yes.

Q Okay. Finally, paragraph 4 states that Franklin Armory is suing the Department of Justice to compel them to clarify that it is allowable to sell these weapons.

Do you see that?

A Yes.

Q Did you have any conversations with anyone in the Department of Justice about that lawsuit?

A No.

Q Okay. Did you have conversations about that lawsuit with anyone else?

A No.

Q Are you familiar with that lawsuit aside from what I just told you?

A I am not.

MS. BARVIR-BOONE: All right. I'm going to reveal and mark as Exhibit 4 another document.

(Exhibit 4 was marked for identification and is attached hereto.)

MS. BARVIR-BOONE: Let me know when you can see it.

MR. HERZBERGER: We can see it.

MS. BARVIR-BOONE: Fantastic. It's similar to the last email thing that we have. It has Laura Palmerin's name at the top because this was received as a response to a public records act request sent to our office in its native format as an email.

BY MS. BARVIR-BOONE:

Q But other than that, take a moment to review the document on your screen. We're going to focus on page 2, if that helps.

A Okay.

Q Okay. Have you had sufficient time to review this document?

A Yes.

Q Do you know what this document is?

A Yes.

Q Have you seen this document before today?

A Yes.

Q At the top there, is that -- or was that email jennifer.kim@asm.ca.gov associated with you?
A Yes.
Q That's your email address?
A Yes.
Q Okay. So you drafted this email?
A Correct.
Q Okay. This one with the subject Assault Weapon TBL, dash, dash, additional Info FYI?
A Correct.
Q Does this email look different from when you drafted it?
A I don't think so.
Q Looking at the subject line again, it reads, "Assault weapon TBL additional info FYI."
What did you mean by assault weapon TBL?
A This is related to the trailer bill that we've been addressing.
Q So what does TBL mean?
A Trailer bill language.
Q Trailer bill language. That makes sense.
And so it would have been in reference to AB 88 and/or SB 118; is that correct?
A To those specific --
Q Specifically?

A Correct.

(Simultaneous speakers.)

Q Sorry. Yes. We talked a little bit about what a trailer bill is and what it does.

How does a trailer bill differ from other sorts of bills? What makes it a trailer bill as opposed to -- like, why is there a difference?

A It's just a different process in which the bill moves through the legislature. The trailer bill accompanies the budget bill. And so the reason why it's called a trailer bill is because it trails the budget. But it's just a different process in which legislation can be enacted.

Q Can you explain that different process? How is it different from -- I don't know, what we learned about Schoolhouse Rock about how a bill becomes a law?

A Sure. So a trailer bill can be introduced, you know, for consideration by the governor or the legislature. It may or may not be discussed in a committee in one of the budget committees.

And it typically -- the policies typically do not tend to be a standalone bill. They get bundled together under, like, a general subject, whereas kind of the Schoolhouse Rock example you gave, they tend to be a specific policy in one bill, so you're not going

to see a general, like, 10 different kinds of, you know, issues related to public safety in one policy bill, whereas in the trailer bill, because it's related to the budget, under public safety you can have subjects that fall within public safety but that are not directly related to each other within the bill.

Q Okay. How does a decision get made that something goes through a policy bill or it goes to a trailer bill instead of a policy bill?

A It depends on how it's introduced. So trailer bills typically are introduced at the beginning of -- like the first quarter along with the governor's budget and they get posted on the website. Sometimes trailer bills come later. Sometimes trailer bills are introduced by the legislature and they get included and bundled up in the budget process.

Q Who makes that decision to bundle it or not?

A The initial -- I guess, technically, if the legislature -- we put together the trailer bills. So I process which kind of provision goes into the trailer bill. And then once that's posted on the website, then it goes through the budget hearings and gets voted on, and it goes to the governor's office if it makes it through the floor votes.

Q Can anything be passed as part of a trailer bill, or are there requirements for something to be a trailer bill?

A I don't know of any specific requirements. It depends. It depends on the issue that's being raised and whether the legislature and the governor's office wants to use the trailer bill process or the policy or the other process.

Q Okay. So sometimes trailer bills include policy changes?

A Trailer bills and the budget to me are all policy, so yes. I mean, trailer bills are all statutory changes, so yes.

Q Does it have to have a relation to the budget to be part of a trailer bill?

A It trails the budget. And so there may be some type of nexus related to it, but I don't know that it's -- I don't know if it's a legal requirement that would be a question for someone above my paygrade.

Q Like who? Who might know that?

A Legislative counsel.

MR. HERZBERGER: I'm not a witness here.

MS. BARVIR-BOONE: Right.

///

BY MS. BARVIR-BOONE:

Q All right. Is the process -- so earlier you had said -- I believe you had said that a trailer bill may or may not go through committee; is that correct?

A A trailer bill -- so the subcommittee -- the subcommittee I'm in, we hear various budget proposals. They're called budget change proposals, and that's kind of more strictly money. And then there's trailer bills. So trailer bills do often get taken up in the full budget committee, but they may or may not appear at a subcommittee agenda. There's no requirement to.

Q Okay. But --

(Simultaneous speakers.)

THE WITNESS: Yes. Because there are no votes -- so the trailer bills are typically heard in the full budget committee, yeah.

BY MS. BARVIR-BOONE:

Q Okay. With the process we've talked about for the adoption of trailer bills, would you agree that in practice, trailer bills are more quickly enacted than policy bills?

A Trailer bills -- it depends, because the budget process typically can go to like early September. So even though the budget is required to be passed constitutionally by June 15, the trailer

bills can be worked on after, so into July and August. Much like policy bills. So it's not necessarily a quicker route.

Q Would you say -- no, excuse me.

Do trailer bills have the same level of exposure to the public as policy bills? Does the public get involved in the consideration of trailer bills?

A I know with this trailer bill, I believe it was posted early in the year, maybe February or so, so that's -- that was made public. Typically, policy bills are introduced in February as well. So it's a similar introduction to the public, I would say. I think it was posted in February.

Q Would you say, though, the bundling of these multiple issues, does that make a trailer bill -- does that make a trailer bill easier to semi-secretly do things that might be difficult for the legislature to do otherwise as a policy bill for instance?

A No.

Q No?

A No.

Q Why would you think so?

A Because the information is posted publicly under the legal requirements and they are heard in

full budget committee. They're heard on the floor vote during the floor session. So it's just a different process.

Q How simple is it for the legislators who would oppose one portion of the bundle in a trailer bill to excise a portion that they oppose and allow the rest of the trailer bill to go through? Is it possible? Is it simple?

A It's possible.

Q Is it -- does that happen regularly?

A What do you mean by regularly?

Q Do legislators often exercise their ability to excise portions of the trailer bill from the trailer bill so that the rest can get passed?

A I don't know how often it occurs, but -- because I only cover public safety, but it is definitely possible.

Q In the public safety -- would members of the public safety committee be able to excise, or is it something simply that they can ask --

(Reporter clarification.)

Does the public safety committee -- subcommittee of the budget have the ability to amend the trailer bill itself?

A Not without agreement because -- we're a

subcommittee of a full budget committee. So there is a process to decide, you know, what goes in and what doesn't.

Q So the public safety subcommittee of the budget -- the assembly budget committee, it cannot just vote to make an amendment to the trailer bill; is that correct?

A The votes that happen to move a trailer bill or the budget, though, happen in the full budget committee. The votes that happen in the subcommittee are the recommendations of the subcommittee to the full budget committee.

Q So the full budget committee can make amendments to the trailer bill?

A Yes.

Q Okay. And then that amended language then goes to the assembly floor; is that correct?

A If -- if there is agreement, yes.

Q Agreement with who?

A If there is agreement by the leadership of the assembly, the budget chair.

We also work with the other house. We work with the governor. It's kind of a negotiation process.

Q Okay. So would it be fair to say, then, that

the use of bundling for policy issues through the trailer bill process makes it a little more difficult for opponents of a policy matter brought through the trailer bill to have that policy voted down?

A Not necessarily.

Q Why do you say that?

A Because I don't -- I guess I don't agree that it's easier or more difficult. I think it's just a different process.

Q Okay. Paragraph 2 of your email states, quote, "Franklin Armory has constructed guns that don't qualify as a pistol, rifle, shotgun, the legal category of guns that vendors use when they sell guns."

Do you see that there?

A Yes.

Q The first sentence of the second paragraph.

A Yes.

Q When did you first hear that Franklin Armory had constructed such a gun?

A During that time period, the February through -- sometime between February and June of 2020.

Q Do you recall how you heard that Franklin Armory had constructed such a gun?

A Through those conversations with the

Department of Finance and the Department of Justice.

Q And, again, that would have been conversations with Aaron Edwards, Ashley Ayres and potentially other folks that you can't recall at the moment?

A Correct.

Q Okay. Do you recall the context for having those discussions? Like, what was the reason you were having those conversations?

A To get additional background on what the trailer bill was seeking to accomplish.

Q So they were -- these conversations were had after the legislation was prepared or in preparation to draft the legislation?

A This was after the legislation was introduced. Not by the legislature, but as part of the governor's budget.

Q During your conversations with Aaron Edwards -- no, during your conversations with Ashley Ayres, do you recall talking about wanting to stop the sale of Franklin Armory's firearms that don't qualify as a pistol, rifle or shotgun?

A I don't remember having a specific conversation. I think Franklin Armory was an example. I had never heard of the company before, but I think

it was just generally the conversation about this loophole that was mentioned in the other document, in the existing law.

Q The loophole being pifles, which are not legally pistols, rifles or shotguns?

A Yes.

Q Okay. And so Franklin Armory was an example. The discussion was more broad than that.

Is that what you're saying?

A Yes.

Q And so not just speaking of Franklin Armory, then, speaking of pifles more generally or these firearms that don't qualify as pistols, rifles or shotguns, did your conversations with Ashley Ayres involve discussions about stopping the sale of those types of firearms?

A Stopping the sales of pifles -- yes.

Q Okay. Do you know why we wanted to stop the sale of pifles?

A So my understanding is that the pifles had the attributes of a banned assault weapon, and so that's a clarification needed.

Q And the clarification needed where?

A In the law.

Q In the law. Okay.

Going back to your statement from your June 24 email, you refer to, quote, "The legal category of guns that vendors use when they sell guns."

Do you remember what you meant by that?

A The pistol, rifle and shotgun categories. Yes, that's what was meant. Like, what was in the statute.

Q Okay. What was in statute. You mean words that are defined by California law?

A Correct.

Q If a firearm was not a pistol, rifle or a shotgun at the time your email was written, was that firearm illegal to possess? Was a pifle illegal to possess?

MR. HERZBERGER: I'm just going to object. To the extent that you know, I mean, this calls for some expert understanding and -- I mean, this calls for speculation to some extent. To the extent you know, you can answer the question.

THE WITNESS: Do you mind repeating it one more time?

BY MS. BARVIR-BOONE:

Q Yes. No, I don't mind.

If a firearm was not a pistol, rifle or a

shotgun at the time you wrote your email, was that firearm illegal to possess?

A My understanding is that there was some ambiguity.

Q There was some ambiguity as to whether it was illegal to possess?

A I mean, based on the previous document, it showed -- I mean, the previous document -- I'm just interpreting the thing right now because I can't remember. But the previous document mentioned -- I can't remember the -- so all the attributes of an assault weapon, I think -- you know, the argument was made that because these pifles exhibited all the attributes of an assault weapon, that they should fall under whatever restriction was in the statute.

Q But when you wrote this email, did they fall under the definition of assault weapon?

A I don't know.

Q At the time you wrote this email, do you know if Franklin Armory's Title 1 was illegal to own?

A I don't know.

Q Earlier you had said that you hadn't really heard of the Title 1?

A Mm-hmm.

Q The end of the second paragraph of your

June 20 email states, quote, "They wanted the DOJ and California CA to allow the selling of these assault-type weapons."

Do you see that?

A Yes.

Q All right. "They" in your email, does that refer to Franklin Armory?

A I believe I used Franklin Armory as an example, but they would probably refer to a broader category of companies.

Q Like weapon?

A Excuse me?

Q What is an assault-type weapon? You used that phrase.

A However it's defined in statute.

Q Is assault-type weapon defined in statute?

A I don't know. Yeah, I don't know.

Q Did you perhaps mean assault weapon?

MR. HERZBERGER: I'll just object again. This calls for speculation. You're asking about -- and lacks foundation. You're asking about what she thought she meant more than -- in June of 2020.

So, again, of course you can ask the question, you can answer, but I'll object on those grounds.

THE WITNESS: I don't know. I mean -- I think because pifle -- my understanding was pifle did not exist in statute at the time. Maybe that's why. Because the term "pifle" specifically -- I don't know that it existed in the statute at the time. That may have been why I referred to it as assault-type, but I'm not sure.

BY MS. BARVIR-BOONE:

Q So pifles were not -- what you're saying is that pifles, because they were not in statute when you wrote this email, were not assault weapons, but because they had the characteristics of assault weapons, they were assault-type weapons?

A I'm not saying they were assault or not assault weapons. I'm trying to just remember why I put "assault" and not "assault type," and I can't remember. I'm just kind of guessing, which probably isn't helpful.

Q So you don't recall why you didn't just call pifles assault weapons?

A No.

Q Were they assault weapons when you wrote this email?

MR. HERZBERGER: Objection. This calls for a legal conclusion about the -- among other things,

about the status of the statute at that time. So you can go ahead and answer.

THE WITNESS: I don't know.

BY MS. BARVIR-BOONE:

Q So you don't recall why you called pifles assault-type weapons and not assault weapons?

A Yeah, I don't.

Q Do you know who initiated -- sorry. I got a little feedback.

Do you know who initiated the attempt to categorize pifles as assault weapons?

A I don't know specifically who. I know that it was introduced as part of the governor's budget.

Q How do you know that it was introduced as part of the governor's budget?

A Because it was posted on the Department of Finance's website.

Q On the Department of Finance's website. What was posted, the governor's budget?

A The language, the statutory changes related to this subject.

Q So that's when you first heard about it, was in the posting of the language, not the conversations we've been talking about?

A That's my recollection.

Q Okay. You end the second paragraph by stating that Franklin Armory, quote, wanted or -- they. I'm sorry. Perhaps a broader thing of "they" -- wanted the DOJ and California to allow the selling of these assault-type weapons by clarifying this allowing in statute because gun vendors wouldn't sell them due to liability issues.

Do you see that?

A Yes.

Q Once again, this is referencing liability issues. Do you recall what liability issues you were referencing in this email?

A Selling prohibited firearms.

Q They were afraid -- the gun vendors were fearful that they would be liable for selling prohibited firearms?

A Yes.

Q Okay. What evidence of those liability issues did you have to make that statement?

A Just those same conversations with the Department of Finance and Department of Justice.

Q Mr. Edwards, Mr. Ayres in February to June 2020?

A Correct.

Q Take a look at paragraph 3 of your June 24

email. You state that Franklin Armory is trying to get around the technical statutory definition of the assault weapon ban by creating something that's modified.

Do you see that?

A Yes.

Q All right. How did you come to know that Franklin Armory's Title 1 was modified?

A From those conversations with the Department of Finance and the Department of Justice.

Q Mr. Edwards, Mr. Ayres and that time period of February to June 2020?

A Correct.

Q Thank you.

Do you recall specifically what was communicated about Franklin Armory's firearm?

A That it had the attributes of an assault weapon and that individual parts were sold. That's what I remember.

Q Okay. But you said that it was -- the email says that Franklin Armory had created something that's modified. Do you know how it was modified?

A I don't know how it was modified.

Q Okay. Do you have any evidence that Franklin Armory created something that was modified?

A Just again those same conversations from the Department of Finance and the Department of Justice.
Q Okay. You also stated, quote, "They wanted to be able to sell the fully assembled modified gun."
Do you know what gun you were referring to?
A I don't know what specific gun I was referring to at the time.
Q Okay. How did you learn this information that they wanted to be able to sell the fully assembled modified gun?
A The Department of Finance and Department of Justice.
Q So the same communications you had --
A Correct.
(Simultaneous speakers.)
BY MS. BARVIR-BOONE:
Q All right. Do you know what firearm was modified in order to create the Franklin Armory Title 1?
A I don't.
Q Okay. So the Title 1 may not have been a modified gun but an original design configuration?
A I don't know.
Q You don't know. Okay.
The next paragraph, you state, "They are

shorter, lighter and more compact making them more attractive to gun enthusiasts."

Do you see that?

A Yes.

Q Do you know what they are, like what guns -- what gun you were referring to as being shorter, lighter and more compact?

A I believe I was referring to the pifles.

Q In general, not a specific type of firearm?

A Yes.

Q Got it. Okay. Where did you obtain that information?

A The same conversations with the Department of Finance and the Department of Justice.

Q Mr. Edwards and Mr. Ayres and/or others that you may not recall?

(Simultaneous speakers.)

THE WITNESS: Correct.

BY MS. BARVIR-BOONE:

Q Moving to that last paragraph of your email from June 24, you state that, quote -- that first sentence -- "Originally, the DOJ thought this policy might go through the policy bill process with Portantino as the author."

Did I read that right?

A Yes.
Q Are you referring to California State Senator Anthony Portantino?
A Yes.
Q By this policy, what were you referring to?
A The trailer bill.
Q The trailer bill meaning --
(Simultaneous speakers.)
BY MS. BARVIR-BOONE:
Q That section about pifles?
A SB 118, yes.
Q Okay. SB 118, the section about pifles to include -- to clarify the statutory definition of assault weapons?
A Correct.
Q Do you know who wrote that portion of that trailer bill?
A No.
Q No. Okay. How did you know that the DOJ originally thought this policy might go through the policy bill process with Senator Portatino as the author?
A Through those conversations with the Department of Finance and the Department of Justice. But I'm not sure which of the parties told me.

Q Okay. That was my next question. Thank you.
Do you know how early you learned that the DOJ's office policy might go through the policy bill process with Portatino as the author?
A Sometime between that February to June.
Q Sometime before you wrote this email, I suspect?
A Yes.
Q Okay. You then state, quote, "The DOJ wanted to avoid a rapid large fire sale of these assault modification gun parts by the people who see the update to the ban coming."
Do you see that?
A Yes.
Q What did you mean by that?
A I provided the information that I got from the DOJ and the Department of Finance as to why they believe the trailer bill process should be used.
Q Your statement refers to the large fire sale of these assault modification gun parts?
A Mm-hmm.
Q What is assault modification gun part?
A My recollection is that they are the pieces of -- I don't know. I don't know what the right terminology is, but the pieces of a gun that you put

together to make an assault weapon.

Q Is it something that you got from statute?

A This is information that I received in those conversations with the Department of Justice and the Department of Finance.

Q I know this feels repetitive.

A Of course.

Q How did you come to learn that DOJ wanted to avoid a rapid large fire sale of assault modification gun parts by the people who saw the update to the ban coming?

A Through the conversations with the people with the Department of Finance and the Department of Justice.

Q Do you recall whether it was your conversations with Ayres at the Department of Justice or Edwards at the Department of Finance?

A I don't remember.

Q Okay. It could have been either or both?

A Yes.

Q Do you know whether the statement that DOJ wanted to avoid a rapid large fire sale of these assault modification gun parts by the people who saw the update to the ban coming, do you know whether that statement is true?

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 XII OF XX, Pages 1464-1529**, on the following parties, as follows:

Kenneth G. Lake
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Andrew F. Adams
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Office of the Attorney General
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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