

EXHIBIT 5

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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MARK BAIRD and RICHARD
GALLARDO,

Plaintiffs,

vs.

No. 2:19-cv-00617-KJM-AC

ROB BONTA, in his official
capacity as Attorney General
of the State of California,
and DOES 1-10,
Defendants.

/

VIDEOCONFERENCE DEPOSITION OF RICHARD GALLARDO
August 31, 2021

Stenographically Reported by:
Janice L. Belcher, CSR No. 12342
Job No. 4782562
Pages 1 - 45

1 this, so I want to save us some time. So did you have
2 any other specific questions on this document?

3 Q Yeah. I was just wondering if you understand
4 this to be the alert bulletin that Sheriff Bosenko was
5 referencing in Sheriff Bosenko's letter?

6 A I believe it is. It's the only special alert
7 bulletin I know that was put out on me.

8 Q What's the date of the bulletin?

9 A At the top it looks like December 20 of 2017.

10 Q The bulletin states that you believe that
11 CAL FIRE violated your Second Amendment rights by
12 disciplining you for bringing a firearm for the
13 workplace. Is that your belief?

14 A Absolutely that's my belief.

15 Q Could you elaborate on that belief?

16 A I will. So I was explicitly following state
17 law when I had my firearm on the CAL FIRE property,
18 California Penal Code 171, little letter B, parentheses
19 B, parentheses 3, and that law explicitly allowed me to
20 have my concealed weapon on CAL FIRE property with the
21 concealed weapons permit that I had at the time. So I
22 was explicitly following state law when I had my firearm
23 on that property in my vehicle, and so that's where I
24 believe my Second Amendment rights, as extended, the
25 Second Amendment extended via the permit process, I

1 believe my rights were violated, yep.

2 Q The bulletin states that you said, quote: I
3 did not issue threats. I fight for what is right, just,
4 moral and lawful. I am a staunch believer that an
5 individual has an inherent God-given right to
6 self-defense, unquote.

7 Did you make that statement?

8 A Yes.

9 Q Is that your belief?

10 A Absolutely, yes.

11 Q Could you elaborate on that?

12 A No. I think that's pretty self-explanatory.

13 Q Okay let's go back to Exhibit 1. The second
14 paragraph of Sheriff Bosenko's letter continues by
15 stating that you sent a letter dated September 2nd,
16 2019, to CAL FIRE employees and others; is that right?

17 A Correct.

18 MR. WISE: Let's look at Exhibit 3.

19 (Exhibit 3 marked for identification.)

20 BY MR. WISE:

21 Q Do you recognize this document?

22 A Yes.

23 Q Is this the letter that Sheriff Bosenko is
24 referencing?

25 A I believe it is.

1 that's -- if that's what your question is referring to.

2 Q And where was your handgun stored while you
3 were at work on the particular date that was referenced
4 by Mr. Wise earlier?

5 A In my locked car in the parking lot.

6 Q And under what circumstances was your handgun,
7 quote, displayed, as referenced in the letter from
8 Sheriff Bosenko?

9 A Well, up here in Shasta County at the time,
10 probably half to two-thirds of the CAL FIRE employees
11 had concealed weapons permits, so we talked a lot about
12 Second Amendment issues, what kind of firearms people
13 owned, carried, all the accessories, what's, you know,
14 what's bad as far as, you know, gear, what's called
15 carry gear. We talked about Second Amendment and
16 firearms issues all the time. Working at CAL FIRE, we
17 were there anywhere from three days a week to two to
18 three weeks in a row. And so, you know, lunchtime or
19 evening hours or whenever we were not on the formal
20 clock, what's called hard time, we're allowed to talk
21 about that kind of stuff, so we talked about it often.
22 And one of my fellow employees at the time was thinking
23 about getting his concealed weapons permit, and he asked
24 me what kind of gun I carried, and so I showed it to
25 him.

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REPORTER'S CERTIFICATE

I, JANICE L. BELCHER, do hereby certify:

That RICHARD GALLARDO, in the foregoing deposition named, was present and by me sworn as a witness in the above-entitled action at the time therein specified;

That said deposition was taken before me at said time, and was taken down in shorthand by me, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed into typewriting, and that the foregoing transcript constitutes a full, true and correct report of said deposition and of the proceedings that took place;

That before completion of the proceedings, review of the transcript was requested.

IN WITNESS WHEREOF, I have hereunder subscribed my hand this 22nd day of September, 2021.



JANICE L. BELCHER, CSR No. 12342
State of California