EXHIBIT B

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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

IVAN PENA, ROY VARGAS, DONA CROSTON, BRETT THOMAS, SECOND AMENDMENT FOUNDATION, INC. AND THE CALGUNS FOUNDATION, INC.

Plaintiffs,

vs.

STEPHEN LINDLEY,

Defendant.

Case No: 2:09-CV-01185-KJM-CMK

PLAINTIFF BRETT THOMAS'S RESPONSE TO DEFENDANT STEPHEN LINDLEY'S FIRST SET OF INTERROGATORIES

PROPOUNDING PARTY: Defendant Stephen Lindley

RESPONDING PARTY: Plaintiff Brett Thomas

SET NUMBER: One (1)

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1

State the name, relationship to you, business address and telephone number, employer and title or position of the "willing seller" identified in Paragraph 50 of the amended complaint filed May 11, 2009.

RESPONSE TO INTERROGATORY NO. 1

RESPONSE:

Name: PRK Arms

Relationship: California Licensed Dealer

Business Address: 5530 East Lamona Ave., Suite 103, Fresno CA 93727

Telephone Number: 559-283-8666

Employer: PRK Arms

Title or Position: California Licensed Dealer

INTERROGATORY NO. 2

State the caliber, barrel length, serial number, condition (i.e. new or used), current owner and location (i.e. address) of the firearm identified in Paragraph 50.

RESPONSE TO INTERROGATORY NO. 2

OBJECTION: This request is so vague or ambiguous as to be burdensome or oppressive as to the meaning of "Paragraph 50," which was not defined in the request. Moreover, Plaintiff would have to speculate as to the meaning of the term "Paragraph 45" in order to properly respond to this request.

RESPONSE: Without waiving the aforementioned objections, Plaintiff responds:

Caliber: .22LR

Barrel Length: 9.5"

Serial Number: 2244513

Condition (New or Used): Used

Current Owner : Robert Dawson

Address: 415 Dyches Drive, Savannah, GA 31406

INTERROGATORY NO. 3

Do you contend that the "willing seller" identified in Paragraph 50 is able to legally sell you the firearm identified in that paragraph? If so, state each fact and identify each document which you believe supports your contention.

RESPONSE TO INTERROGATORY NO. 3

OBJECTION: Contention interrogatories asking for each and every fact, or application of law to fact, that supports particular allegations in an opposing pleading may be held overly broad and unduly burdensome. [IPV, Inc. v. Mercantile Bank of Topeka (D KS 1998) 179 FRD 316, 321 – providing "every fact" could require "laborious, time-consuming analysis, search and description of incidental, secondary, and perhaps irrelevant and trivial details."]

RESPONSE: Without waiving the aforementioned objections, Plaintiff responds: No. Plaintiff is not prohibited from acquiring and possessing firearms and the "willing seller" is, to the best of Plaintiff's knowledge, lawfully entitled to transfer firearms in accordance with United States firearm laws, including but not limited to 18 U.S.C. §921 et seq, and the regulations issued thereto, California firearm laws, including Part 6 of the California Penal Code, and the regulations issued thereto, and local laws. However, the firearm at issue became illegal for the "willing seller" to sell or transfer to Plaintiff, as a California resident, upon the passage and implementation of the Unsafe Handgun Act.

INTERROGATORY NO. 4

Do you contend that but for the firearm identified in Paragraph 50 not being listed on California's Roster of Handguns Certified for Sale you are otherwise eligible under all applicable

state and federal laws to purchase and possess that firearm? If so, state each fact and identify each document which you believe supports your contention.

RESPONSE TO INTERROGATORY NO. 4

OBJECTION: Contention interrogatories asking for each and every fact, or application of law to fact, that supports particular allegations in an opposing pleading may be held overly broad and unduly burdensome. [IPV, Inc. v. Mercantile Bank of Topeka (D KS 1998) 179 FRD 316, 321 – providing "every fact" could require "laborious, time-consuming analysis, search and description of incidental, secondary, and perhaps irrelevant and trivial details."]

RESPONSE: Yes. I am a law abiding, responsible citizen and not prohibited from purchasing or possessing firearms under any state, federal or local law of which I am aware, but for the provisions challenged in this litigation.

INTERROGATORY NO. 5

State each fact and identify each document which you believe supports your contention in Paragraph 50 that the firearm referenced there "is not, cannot, and will not be placed on the California Handgun Roster by Defendant."

RESPONSE TO INTERROGATORY NO. 5

RESPONSE: The firearm is not and has never been identified on the California Roster of Handguns Certified for Sale in California. A review of the California Roster of Handguns Certified for Sale in California available at http://certguns.doj.ca.gov/ evidences the lack of the particular firearm from the list. The California Department of Justice publishes a list of firearms that have been removed from California's Handgun Roster. The Department of Justice identifies this list as the "Department of Justice Bureau of Firearms De-Certified Handgun Models." This list is available at: http://oag.ca.gov/sites/oag.ca.gov/files/pdfs/firearms/removed.pdf. The California Department of Justice describes this as a list of "Handgun models whose certification has expired or otherwise removed from the Roster. These models may no longer be sold, offered for sale, or manufactured in California." The High Standard Buntline style revolver does not appear on that list. Thus, if the High Standard Buntline style revolver is not on the California

Roster of Handguns Certified for Sale in California, and it is not identified in the Department of Justice Bureau of Firearms De-Certified Handgun Models, it has never been listed.

Moreover, the firearm was manufactured domestically, and neither the manufacturer of the firearm, nor a legal successor in interest, exists. As such, the firearm cannot be submitted for testing under the Unsafe Handgun Act and the regulations issued thereto which limits the submission of handguns for testing to a manufacturer of domestically produced handguns or, if one exists, a legal successor in interest or another person with the consent of the manufacturer; and/or a federally licensed importer of foreign manufactured handguns.

Plaintiff identifies the following documents: Each "Department of Justice Bureau of Firearms De-Certification Handgun Models" list published since December 31, 2005; each Department of Justice Bureau of Firearms Newly Added Handgun Models list; each California Department of Justice Roster of Handguns Certified for Sale published.

INTERROGATORY NO. 6

If in response to Request for Admission 1 you deny that you own at least one operable handgun that is suitable for self-defense, state each fact on which you base your denial.

RESPONSE TO INTERROGATORY NO. 6

Not Applicable.

INTERROGATORY NO. 7

If in response to Request for Admission 2 you deny that you are able to purchase an operable handgun that is suitable for self-defense, state each fact on which you base your denial.

RESPONSE TO INTERROGATORY NO. 7

Not Applicable.

INTERROGATORY NO. 8

If in response to Request for Admission 3 you deny that you are able to obtain a High Standard Buntline style revolver through a private-party transfer under California Penal Code

section 32110(a), state each fact on which you base your denial.

RESPONSE TO INTERROGATORY NO. 8

RESPONSE: Plaintiff is unaware of any private parties with a California Driver License, California Identification Card or Military identification card who possess such a firearm in an unaltered factory manufactured condition. Nor is Plaintiff aware of any private parties with a California Driver License, California Identification Card or Military identification card who are willing to sell said firearm in an unaltered factory manufactured condition. And, such a firearm is not on the list of handguns approved for a California licensed dealer direct sale in California.

Date: December 11, 2012

WITH RESPECT TO OBJECTIONS ONLY
Davis & Associates

Jason A. Davis
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Attorneys for plaintiffs

VERIFICATION

BRETT THOMAS declares:

1. I am a plaintiff in the above-captioned action;

2. I have read the foregoing "PLAINTIFF BRETT THOMAS'S RESPONSE TO DEFENDANT STEPHEN LINDLEY'S FIRST SET OF INTERROGATORIES" ("The Response") and know its contents. I am informed and believed that the matters set forth in the Response are true and accurate, and on that ground I allege, to the best of my knowledge and information, that the matters therein stated are true and accurate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Verification was executed on December 11, 2012, at San Carlos, California.

BRETT THOMAS