

1 Alan Gura, Calif. Bar No.: 178221  
2 Gura & Possessky, PLLC  
3 101 N. Columbus St., Suite 405  
4 Alexandria, VA 22314  
5 703.835.9085/Fax 703.997.7665

6 Donald E.J. Kilmer, Jr., Calif. Bar No.: 179986  
7 Law Offices of Donald Kilmer, A.P.C.  
8 1645 Willow Street, Suite 150  
9 San Jose, CA 95125  
10 408.264.8489/Fax 408.264.8487

11 Jason A. Davis, Calif. Bar No.: 224250  
12 Davis & Associates  
13 27201 Puerta Real, Suite 300  
14 Mission Viejo, CA 92691  
15 949.310.0817/Fax 949.288.6894

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

18	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,	)	
20		)	<b><u>DECLARATION OF HOFFMAN</u></b>
21	v.	)	
22		)	In Support of Plaintiffs' Motion
23	Stephen Lindley,	)	For Summary Judgment
24	Defendant.	)	
25	_____	)	

26 I, Gene Hoffman, Jr., am competent to state, and to declare the following based on my  
27 personal knowledge:

- 28 1. I am the Chairman of the CalGuns Foundation, Inc. ("CGF")
- 29 2. CFG is a non-profit organization incorporated under the laws of California with its  
30 principal place of business in San Carlos, California.
- 31 3. The purposes of CGF include supporting the California firearms community by  
32 promoting education for all stakeholders about California and federal firearm laws, rights and  
33 privileges, and securing, defending and protecting the civil rights of California gun owners, who are  
34 its members and supporters.

1           4.       CGF expends their resources encouraging exercise of the right to bear arms, and  
2 advising and educating their members, supporters, and the general public about the legality of  
3 particular firearms. The issues raised by, and consequences of, Defendant's policies, are of great  
4 interest to CGF constituencies.  
5

6           5.       Defendant's policies regularly cause the expenditure of resources by CGF as people  
7 turn to our organization for advice and information.

8           6.       Defendant's policies bar the board members and supporters of CGF from obtaining  
9 numerous, if not most, handguns.

10          7.       Exhibit F is a true and correct copy of documents provided to me by the State of  
11 California in response to a request for official records pursuant to the California Public Records Act,  
12 Cal. Government Code §6250, et seq.  
13

14          8.       Exhibit G is a true and correct copy of a portion of a portion of the current California  
15 Roster of Handgun Certified for Sale, available at <http://certguns.doj.ca.gov/>

16          9.       Exhibit E is a true and correct copy of a portion of a list maintained by the California  
17 Department of Justice of handguns that have been removed from the California Roster of Handguns  
18 Certified for Sale, available at [http://caag.state.ca.us/firearms/forms/pdf/](http://caag.state.ca.us/firearms/forms/pdf/removed.pdf)  
19 removed.pdf  
20

21          10.      Exhibit A is a true and correct copy of the request I made of the California  
22 Department of Justice pursuant to the California Public Records Act, Cal. Government Code  
23 §6250, et seq., and the response received thereto.

24          11.      Members and supporters of the Calguns Foundation, Inc., would acquire new  
25 semiautomatic handguns of the kind in common use throughout the United States, for traditional  
26 lawful purposes including self-defense, but cannot do so owing to California's rostering scheme.  
27  
28

1           12. California's handgun rostering scheme substantially limits commerce in (and  
2 therefore CGF members and supporters' access to) unrostered handguns, since no dealer can stock  
3 these firearms. This results in a significant loss of choice and price competition for members and  
4 supporters of the Calguns Foundation, Inc.  
5

6           13. Members and supporters of the Calguns Foundation, Inc., who seek to conduct  
7 private party sales of off-roster firearms would suffer increased costs in transporting and transferring  
8 their firearms from out-of-state dealers even if these transfers were lawful. They would not suffer  
9 these costs if the firearms were available for sale in California.  
10

11           14. Defendants' policies make firearms less accessible to the public, reduce the  
12 opportunity for selection and purchase, lessen price competition, and impose additional expenses on  
13 the purchase of firearms.  
14

15           15. As a firearms enthusiast myself and avid collector of firearms, I am familiar with  
16 firearms and the nomenclature of the firearms industry. I have personally reviewed the ATF's  
17 Annual Firearms Manufacturing and Export Report for the Year 2011, available at:  
18 [http://www.atf.gov/files/statistics/download/afmer/2011-final-firearms-manufacturing-export-report.](http://www.atf.gov/files/statistics/download/afmer/2011-final-firearms-manufacturing-export-report.pdf)  
19 pdf. The report was last accessed on October 24, 2013. This report prepared by the ATF lists all  
20 firearms (handguns, rifles and shotguns) that were manufactured and/or exported from the United  
21 States in 2011. The report breaks down handguns into "pistols" and "revolvers," with a further  
22 breakdown under each category showing different caliber ranges.  
23

24           16. In modern times, virtually all handguns that are not revolvers are semi-automatics. It  
25 is all but unheard of to see a modern handgun that is neither a revolver nor semi-automatic. It is  
26 common knowledge that most semi-automatic handguns utilize detachable magazines. In common  
27 usage, anything smaller than a .22 would be a rimfire cartridge, while any cartridge larger than a .22,  
28 would be center-fired.

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

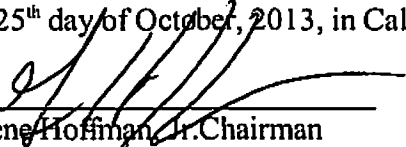
2 Executed this the 25<sup>th</sup> day of October, 2013, in California.

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4 Gene Hoffman, Jr.Chairman  
5 Calguns Foundation, Inc.  
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I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 25<sup>th</sup> day of October, 2013, in California.

  
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Gene Hoffman, Jr. Chairman  
Calguns Foundation, Inc.