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Attorneys for Plaintiffs and Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SHASTA**

HARRY SHARP, et al.,

Petitioners,

vs.

XAVIER BECERRA, et al.,

Respondents.

Case No. 190350

**DECLARATION OF GEORGE M. LEE IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
ISSUANCE OF PRELIMINARY INJUNCTION**

**[CCP § 527]**

Date: Sept. 10, 2018  
Time: 8:30 a.m.  
Dept. 08  
Judge: Hon. Tamara L. Wood

I, George M. Lee, declare as follows:

1. I am an attorney at law, in good standing, duly licensed to practice law in this state and appear before its courts. I am the attorney of record for plaintiffs/petitioners in the above matter. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a preliminary injunction, made pursuant to Code of Civ. Pro. § 527.

3. I represent institutional plaintiffs Calguns Foundation, Firearms Policy Coalition, Firearms Policy Foundation, and Second Amendment Foundation, both in the instant matter, and in other litigation matters in this state.

4. As a part of my representation of the institutional plaintiffs, I have been referred, and have had many discussions with individuals seeking legal assistance and advice, who experienced substantial problems getting their “bullet button assault weapons” registered pursuant Pen. Code § 30900(b)(1), prior to the registration deadline of July 1, 2018 (“Deadline”) imposed by § 30680(c). Specifically, since June 30, 2018, I have had discussions with many California citizens who had experienced technical problems while attempting to access or submit firearms registration information using the DOJ Bureau of Firearms’ system called the California Firearms Application Reporting System (“CFARS”).

5. The statutory mandate to the DOJ to create an on-line registration system for these newly-classified assault weapons is found at Pen. Code § 30900(b)(2) (“Registrations shall be submitted electronically via the Internet utilizing a public-facing application made available by the department.”) This lawsuit was filed to allow people a reasonable opportunity to comply with section 30900(b)(2). Plaintiffs seek mandamus, declaratory and injunctive relief with the ultimate objective of allowing them (and many others) to register their firearms and continue to remain citizens in good standing.

6. From these numerous discussions I had with people all across the state since June 30, 2018, I found there to be many commonalities as to the specific problems they had encountered with CFARS. In particular, many individuals (such as plaintiffs Sharp, Ajirogi, Prince and Kuehl) had trouble getting onto CFARS at all. (See Sharp Decl., ¶ 7; Ajirogi Decl., ¶¶ 6-7; Prince Decl., ¶ 6; and Kuehl Decl., ¶ 6.) In the case of Messrs. Ajirogi and Kuehl, they were prevented from even reaching the website entirely, or could not access the assault weapon registration form that was a feature on the CFARS web site (before it was taken down on July 1, 2018). Other individuals got as far as being able to submit information, but the system would “time out” (i.e., become unresponsive) upon attempting to upload the four pictures that the DOJ

1 was requiring as a part of the registration process. (See Sharp Decl., ¶ 6; Gilardy Decl., ¶¶ 8-9  
2 (and see: [http://bit.ly/Gilardy\\_Video\\_001](http://bit.ly/Gilardy_Video_001)); Feltman Decl., ¶ 6 (and see:  
3 [http://bit.ly/Feltman\\_Video\\_001](http://bit.ly/Feltman_Video_001)). Other people received bizarre “invalid character address”  
4 errors when attempting to submit their home address information, which caused them to be  
5 unable to proceed further with those registrations. (See Prince Decl., ¶ 6 and Exhibit A; Jahraus  
6 Decl., ¶ 6 and Exhibit A.)

7         7.         These common problems had been experienced by many people I spoke with, and  
8 not just limited to the plaintiffs herein. Many others I spoke with were unwilling or hesitant to  
9 be named as plaintiffs in this case, many fearing retaliation and/or the threat of prosecution by  
10 the DOJ for “illegally” possessing assault weapons after the Deadline, even though they  
11 attempted to comply. Some were not willing to be plaintiffs in the case, but were willing to  
12 submit declarations describing their experience. Attached hereto as **Exhibit A** is the true and  
13 correct declaration of Jordan Gallinger. Attached hereto as **Exhibit B** is the true and correct  
14 declaration of Richard Whittier.

15         8.         On information and belief, the DOJ’s link to the assault weapons registration form  
16 (entitled: “Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)”) was taken  
17 down on July 1, 2018, after midnight. Pursuant to Cal. Evid. Code §§ 451 and 452, this Court is  
18 requested to take judicial notice that July 1, 2018 was a Sunday, and that June 30, 2018 fell on a  
19 Saturday.  
20

21  
22                     **REQUEST FOR CLASS-WIDE PRELIMINARY INJUNCTIVE RELIEF**

23         9.         As set forth in the plaintiffs’ motion, injunctive relief is sought to prevent  
24 enforcement of the assault weapons possession statutes, to wit: Penal Code §§ 30600 (insofar as  
25 the statute would prohibit otherwise lawful transportation activities) and 30605, not just as to  
26 plaintiffs themselves, or as to the institutional members, but as to the class of similarly-situated  
27 individuals they represent. Specifically, and as alleged in plaintiffs’ First Amended Complaint  
28 (FAC), such a class would consist of: all California citizens who are not otherwise prohibited or

1 exempt under the assault weapon registration laws, who lawfully and legally possessed firearms  
2 that the State of California classified as “assault weapons” under Penal Code § 30515(a) that  
3 must be registered as such pursuant to Penal Code sections 30680 and 30900(b), but who were  
4 precluded from doing so due to the Defendants’ actions and failures, including but not limited to  
5 the inaccessibility, defects, and/or non-functionality of the DOJ’s CFARS-based registration  
6 system during the registration period ending at midnight on June 30, 2018. (FAC, ¶¶ 22-23).

7       10. As the declarations of the plaintiffs, and other individuals (Exhibits A and B  
8 hereto) show, there are common questions of fact that likely affect the rights, duties and  
9 liabilities of many similarly-situated California residents who were unable to comply with the  
10 registration requirement due to technical issues with the CFARS system. It is widely known that  
11 a large number of people attempted to register in the days and weeks leading up to the  
12 registration deadline. To illustrate this, in response to a request for records under the Public  
13 Records Act (PRA), the DOJ had indicated that as of February 1, 2018, only five (5) months  
14 before the Deadline, it had received 4,653 applications to register bullet button assault weapons  
15 through CFARS. (A true and correct copy of the letter of Dep. Attorney General Robert D.  
16 Wilson, dated February 1, 2018 is attached hereto as **Exhibit C.**) However, in a further response  
17 to information under the PRA, the DOJ revealed that it had received a total of 68,848  
18 applications to register bullet button assault weapons through CFARS by the Deadline. (A true  
19 and correct copy of the letter of Dep. Attorney General Robert D. Wilson, dated July 11, 2018 is  
20 attached hereto as **Exhibit D.**) Therefore, it is not unreasonable to conclude that a sharp spike in  
21 the number of bullet button assault weapon registrations was occurring in the weeks and days  
22 leading up to the Deadline. This is further borne out by a warning on the DOJ Bureau of  
23 Firearms website, which indicated that “[t]he Department is currently experiencing a high  
24 volume of users attempting to register their assault weapons.” (A true and correct copy of the  
25 DOJ Bureau of Firearms notification and “Troubleshooting Tips” published on its website prior  
26 to the Deadline is attached hereto as **Exhibit E.**)

27  
28       11. If notice to the proposed class of affected individuals who may benefit from the



1 requested injunction becomes necessary, my institutional clients and my firm are well-situated to  
2 provide outreach and notification regarding the existence, scope and duration of any preliminary  
3 injunction. Specifically, the institutional plaintiffs are able to communicate with and provide  
4 notice to their thousands of California members and constituents who are or would be part of any  
5 identifiable class of individuals for whose benefit this court may grant such relief. For example,  
6 plaintiff Firearms Policy Coalition (FPC) already used its own resources to advocate for  
7 education and outreach to help their members and the public know and understand their duties  
8 under the new laws that would be enacted by Senate Bill 880 and Assembly Bill 1135. (FAC, ¶  
9 55). Plaintiffs and I are further willing to work with other Second Amendment advocacy groups  
10 (such as the California Rifle & Pistol Association, Gun Owners of California, and other  
11 organizations) to provide notice and outreach regarding the scope of any injunctive relief. I am  
12 an attorney with over 22 years of experience in San Francisco, handling civil litigation matters,  
13 including: complex civil matters, class-action and representative claims, and state and federal  
14 civil rights litigation.

15         12. In addition to this ascertainable class of members specifically defined in  
16 paragraph 9 above, there is also a well-defined and common community of interest in the  
17 questions of law and fact affecting the parties to be represented. This is a matter of substantial  
18 public importance, presenting the question of whether people should face potentially severe  
19 criminal penalties when they attempted to but were deprived of their ability to comply with the  
20 law due to the technical deficiencies of the DOJ's registration system.

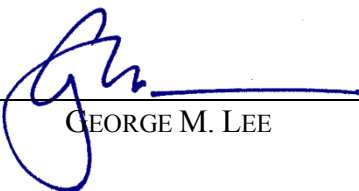
21         13. The scope of the preliminary injunctive relief requested would be limited in  
22 duration, until this court adjudicates to finality the merits of the plaintiffs' claims, and in  
23 particular, until such time as the court may grant the plaintiffs mandamus, declaratory and  
24 permanent injunctive relief to allow the class of similarly-situated individuals a reasonable  
25 opportunity to comply with the registration requirement of Pen. Code § 30900(b)(2).  
26

27         14. For these reasons, plaintiffs are requesting preliminary injunctive relief, for  
28 themselves, their members, and for the class of similarly-situated individuals.

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

Dated: August 10, 2018



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GEORGE M. LEE

## **EXHIBIT A**

George M. Lee (SBN 172982)  
Douglas A. Applegate (SBN 142000)  
**SEILER EPSTEIN ZIEGLER & APPELATE LLP**  
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Attorneys for Plaintiffs and Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SHASTA**

HARRY SHARP, et al.,

Petitioners,

vs.

XAVIER BECERRA, et al.,

Respondents.

Case No. 190350

**DECLARATION OF JORDAN GALLINGER IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
ISSUANCE OF PRELIMINARY INJUNCTION**

**[CCP § 527]**

Date:  
Time:  
Dept.  
Judge:

**DECLARATION OF JORDAN GALLINGER**

I, Jordan Gallinger, declare as follows:

1. I am an adult resident of the County of Los Angeles, California. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a preliminary injunction, made pursuant to Code of Civ. Pro. § 527.

1           3.       I am a lifelong resident of California. I am a law-abiding individual, and I am not  
2 prohibited from owning firearms.

3           4.       Prior to January 1, 2017, I lawfully acquired and possessed three firearms,  
4 equipped with bullet-button devices. It was my intention to register these firearms according to  
5 the laws requiring registration of "bullet button assault weapons."

6           5.       Starting sometime in late May 2018, I began making attempts to submit the  
7 assault weapons registration form on the DOJ's site in order to comply with the registration  
8 requirement. I was able to create an account on the DOJ's CFARS system, but after that, I was  
9 unable to submit the registration forms they were requiring. Specifically, I would get various  
10 error messages informing me that I had included "invalid characters" in the address, which  
11 caused me to attempt many different variations on my home address information that was  
12 required. I also found that the system would "time out" and then delete all of my information  
13 once I attempted to upload the four pictures that were being required for each firearm, deleting  
14 all of the form information I had filled out, and requiring me to start over. I made multiple  
15 attempts to submit the information, using 3 or 4 different computers, and 3 or 4 different web  
16 browsers, all to no avail. I consider myself to be fairly tech-literate, and I definitely considered  
17 this to be a systematic problem on the DOJ's side.

18           6.       I made approximately 10 attempts to submit the registration forms, starting in  
19 May and continuing through June 2018, and in particular, the last two weeks of June. However,  
20 and due to the failure of the DOJ's system, and the error messages, I was unable to register any  
21 of the three firearms I intended to register prior to the statutory deadline.

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

23  
24  
25 Dated: 03 AUG 2018

  
JORDAN GALLINGER

## **EXHIBIT B**

1 George M. Lee (SBN 172982)  
Douglas A. Applegate (SBN 142000)  
2 **SEILER EPSTEIN ZIEGLER & APPEGATE LLP**  
601 Montgomery Street, Suite 2000  
3 San Francisco, CA 94111  
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5 Raymond M. DiGuiseppe (SBN 228457)  
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9 Attorneys for Plaintiffs and Petitioners

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11  
12 **FOR THE COUNTY OF SHASTA**

13 HARRY SHARP, et al.,

14 Petitioners,

15 vs.

16 XAVIER BECERRA, et al.,

17 Respondents.

Case No. 190350

**DECLARATION OF RICHARD WHITTIER IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
ISSUANCE OF PRELIMINARY INJUNCTION**

**[CCP § 527]**

Date:

Time:

Dept.

Judge:

21  
22 **DECLARATION OF RICHARD WHITTIER**

23 I, Richard Whittier, declare as follows:

24 1. I am an adult resident of the County of Riverside, California. I have personal  
25 knowledge of the facts stated in this declaration, and if called as a witness, could competently  
26 testify thereto.

27 2. This declaration is executed in support of plaintiffs' motion for the issuance of a  
28 preliminary injunction, made pursuant to Code of Civ. Pro. § 527.

3. I am a lifelong resident of California. I am a law-abiding individual, and I am not prohibited from owning firearms.

4. Prior to January 1, 2017, I lawfully acquired and possessed a firearm, equipped with a bullet-button device. It was my intention to register this firearm according to the laws requiring registration of "bullet button assault weapons."

5. On June 30, 2018, I went online to fill out the assault weapon registration form that was being required by the DOJ. I spent a fair amount of time filling out all of the required information regarding the firearm in question. However, each time I went to upload the photos that were being required, the website would terminate the form, and sent me back to the beginning, requiring me to start the process all over again, i.e., filling out all of the same information. I attempted to do this several times, each time encountering the same problem. I then called the provided telephone number for the DOJ, but nobody answered. I also sent an email, but the DOJ did not respond for days. Based upon this problem, I was not able to register the firearm before the statutory deadline.

6. On or about July 2, 2018, I called the DOJ Firearms Bureau and got hold of someone to tell them about the problems I had encountered. The DOJ employee told me that I should not have waited until the last day to register the firearm. I explained to her that I had heard that many people had experienced problems registering on their website. She told me in response that the Department knew that some web browsers did not work with their application. I said that based upon these problems, I was requesting that they allow me to register the firearm. She told me that there was nothing they could do because the form was not submitted in time. She also acknowledged that I was trying to comply with the law, but told me that it was my fault for waiting until the last day.

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

Dated:

8/6/18

  
RICHARD WHITTIER



## **EXHIBIT C**



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555  
Facsimile: (916) 227-0470

February 1, 2018

Brandon Combs  
4212 N. Freeway Blvd., Suite 6  
Sacramento, CA 95834

Re: Public Records Act Request received January 4, 2018

Dear Mr. Combs:

This letter is in response to your public records request in which you sought records pursuant to the Public Records Act ("PRA") as set forth in Government Code section 6250 et seq. Specifically, you requested the following information:

"Please provide me with a copy of the following records in existence that allow me and the public to determine:

1. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) that were submitted from July 31, 2017, to the present. In lieu of documents I will accept your calculation of the number of applications as a full response to this request.
2. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) that have been approved from July 31, 2017, to the present. In lieu of documents I will accept your calculation of the number of applications that have been approved as a full response to this request.
3. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) that have been denied/rejected from July 31, 2017, to the present. In lieu of documents I will accept your calculation of the number of applications that have been denied/rejected as a full response to this request.
4. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) submitted from July 31, 2017, to the present that are still being processed. In lieu of documents I will accept your calculation of the number of applications still being processed as a full response to this request.

5. The average time it takes to review and make a determination on an "Assault Weapon" registration application under Penal Code section 30900(b) submitted from July 31, 2017, to the present. In lieu of documents I will accept a list of all applications including their respective dates of submission and DOJ's determination of acceptance or denial as a full response to this request.

6. From January 1, 2017, to the present, a copy of all daily, weekly, monthly, or other periodical reports about "Assault Weapon" registrations and applications under Penal Code section 30900(b)."

Here are the responses to your requested information:

1. 4,653 applications to register bullet button assault weapons were submitted for registration in California Firearms Application Reporting System (CFARS).
2. 2,523 applications were approved in CFARS.
3. 200 applications were rejected in CFARS.
4. 1,232 applications are still being processed by the Department.
5. We cannot provide you with an estimate on the time it takes to review and make a determination on an assault weapon registration application because it varies greatly depending on the circumstances.
6. Please find enclosed the information you seek.

Sincerely,



ROBERT D. WILSON  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General

Enclosure

## **EXHIBIT D**



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
Public: (916) 445-9555  
Facsimile: (916) 227-0470

July 11, 2018

Brandon Combs  
4212 N. Freeway Blvd., Suite 6  
Sacramento, CA 95834

Re: Public Records Act Request received July 2, 2018

Dear Mr. Combs:

This letter is in response to your public records request in which you sought records pursuant to the Public Records Act ("PRA") as set forth in Government Code section 6250 et seq. Specifically, you requested the following information:

"Please provide me with a copy of the following records in existence that allow me and the public to determine:

1. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) that were submitted from July 31, 2017, to the present. In lieu of documents I will accept your calculation of the number of applications as a full response to this request.
2. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) that have been approved from July 31, 2017, to the present. In lieu of documents I will accept your calculation of the number of applications that have been approved as a full response to this request.
3. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) that have been denied/rejected from July 31, 2017, to the present. In lieu of documents I will accept your calculation of the number of applications that have been denied/rejected as a full response to this request.
4. The number of applications for firearm registration as an "Assault Weapon" under Penal Code section 30900(b) submitted from July 31, 2017, to the present that are still being processed. In lieu of documents I will accept your calculation of the number of applications still being processed as a full response to this request.

5. The average time it takes to review and make a determination on an "Assault Weapon" registration application under Penal Code section 30900(b) submitted from July 31, 2017, to the present. In lieu of documents I will accept a list of all applications including their respective dates of submission and DOJ's determination of acceptance or denial as a full response to this request.

6. From January 1, 2017, to the present, a copy of all daily, weekly, monthly, or other periodical reports about "Assault Weapon" registrations and applications under Penal Code section 30900(b)."

Here are the responses to your requested information:

1. 68,848 applications to register bullet button assault weapons were submitted for registration in the California Firearms Application Reporting System (CFARS).
2. 13,519 firearms were registered as of June 30, 2018. An application that is being processed is not considered "registered." An assault weapon would only be registered if the applicant meets all the firearm and background requirements and is approved by the Department.
3. 1,373 applications were rejected as of July 11, 2018.
4. 52,443 applications are still being processed by the Department as of July 11, 2018.
5. We cannot provide you with an estimate on the time it takes to review and make a determination on an assault weapon registration application because it varies greatly depending on the circumstances.
6. Please find enclosed the information you seek.

Sincerely,



ROBERT D. WILSON  
Deputy Attorney General

For XAVIER BECERRA  
Attorney General

Enclosure

## **EXHIBIT E**



**XAVIER BECERRA**

*Attorney General*

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# Bullet Button Assault Weapon

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## California Firearms Application Reporting System (CFARS)

The Department **is currently experiencing a high volume of users attempting to register their assault weapons.**

If you are experiencing difficulty processing an application in CFARS, please try the trouble shooting options listed below.

Troubleshooting Tips:

- Clear your browser history. This can be done by selecting Shift + Ctrl + Delete on your keyboard. Be sure to clear your Cache, Cookies and Form & Search History.
- Use a different web browser such as, Internet Explorer or Mozilla FireFox. Mozilla FireFox is the preferred web browser to process an application in



CFARS.

- Change computers and/or networks (WiFi, cellular network, etc.)
- If you are still unable to submit your registration, you may try accessing the system at a later time.

**REMINDER:** The last day to submit a bullet button assault weapon registration is **Saturday, June 30, 2018**. The Customer Support Center is available to assist the public between the hours of 8:00 am – 5:00 pm, Monday – Friday only. However, staff will be available to assist with bullet button assault weapon registrations and assault weapon serial number requests via email communication on Saturday, June 30, 2018 until 11:59:59 pm by contacting [awr@doj.ca.gov](mailto:awr@doj.ca.gov).

## **REMINDER: ASSAULT WEAPON REGISTRATION ENDS AT 11:59:59 P.M. ON JUNE 30, 2018.**

All applications for assault weapon registration must be submitted by this deadline. No applications will be accepted thereafter (see Penal Code section 30900(b)(1) and California Code of Regulations, title 11, division 5, chapter 39, section 5469).

**NOTE:** If you are in lawful possession of a bullet button assault weapon that is a Firearm Manufactured By Unlicensed Subject (FMBUS), you must obtain a DOJ-issued serial number by completing form BOF 1008 and emailing it to [DOJSerialNumber@doj.ca.gov](mailto:DOJSerialNumber@doj.ca.gov). The serial number issuance process is **separate** from the assault weapon registration process and **must be completed before the assault weapon registration application will be accepted by DOJ**.

**Do I need to register my bullet button firearm?**

Assembly Bill 1135 and Senate Bill 880 require that 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 Penal Code section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool (commonly referred to as a bullet-button) must register the firearm before January 1, 2018. However, Assembly Bill 103 has since extended the registration period from January 1, 2018 to **July 1, 2018**.

Assembly Bill 1135 and Senate Bill 880 also define the meaning of "fixed magazine" to mean 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.

This legislation closes the "bullet button" loop hole and categorizes "bullet button" firearms as assault weapons. The adopted regulations for bullet button assault weapon registration contains additional information on registration requirements.

### **What is considered an "assault weapon"?**

Pursuant to Assembly Bill 1135 (Stats. 2016, ch. 40) and Senate Bill 880 (Stats. 2016, ch. 48) effective January 1, 2017, the definition of "assault weapon" is revised to mean the following:

#### **RIFLES**

- a. A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:
  - i. A pistol grip that protrudes conspicuously beneath the action of the weapon.
  - ii. A thumbhole stock.

- iii. A folding or telescoping stock.
  - iv. A grenade launcher or flare launcher.
  - v. A flash suppressor.
  - vi. A forward pistol grip.
- b. A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.
- c. A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

## **PISTOLS**

- a. A semiautomatic pistol that does not have a fixed magazine but has any one of the following:
  - i. A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
  - ii. A second handgrip.
  - iii. 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.
  - iv. The capacity to accept a detachable magazine at some location outside of the pistol grip.
- b. A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

## **SHOTGUNS**

- a. A semiautomatic shotgun that has both of the following:
  - i. A folding or telescoping stock.
  - ii. A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.
- b. A semiautomatic shotgun that has the ability to accept a detachable magazine.

- c. Any shotgun with a revolving cylinder.

### **Do I need a DOJ Serial Number?**

Pursuant to California Code of Regulations, title 11, section 5474.2 a person in possession of a Firearm Manufactured By Unlicensed Subject (FMBUS) must seek a Department issued serial number prior to initiating the assault weapon registration process.

Applicants seeking a serial number shall complete a New Serial Number Application (BOF 1008) and submit it to the Department per the instructions on the form. For instructions on how to complete the application, refer to the New Serial Number Form Instructions. For additional information, please contact the Bureau of Firearms Assault Weapon Registration Serial Number at: DOJserialnumber@doj.ca.gov.

### **Where can I register my assault weapon?**

All registrations must be submitted electronically, through the California Firearms Application Reporting System (CFARS) at <https://cfars.doj.ca.gov>. The registration fee is \$15 per person (transaction). To submit your application you will need:

- At least 4 photos of the firearm you intend to register (see sample photos)
  - Close-up of the bullet button style magazine on the firearm.
  - Stock to barrel (with the firearm lying horizontally on a flat surface).
  - Left side of the receiver/frame.
  - Right side of the receiver/frame.
- Proof of residency, if submitting a joint registration.
- Military permanent duty station orders indicating assignment within California, if using a military ID to register. Active duty military spouse ID is not acceptable.

A CFARS Assault Weapon Registration Public User Guide is available for information on how to submit an assault weapon registration electronically.

### **Where can I find additional information about bullet button assault weapons?**

Additional information can be found within the Bullet Button Assault Weapons Frequently Asked Questions.

### **Additional Bureau of Firearms Links**

1. [California Firearms Application Reporting System \(CFARS\)](#)
2. [Frequently Asked Questions](#)
3. [Forms and Publications](#)
4. [Firearms Reporting & Law Enforcement Gun Release Application](#)
5. [Assault Weapons Identification Guide](#)
6. [California Firearms Laws Summary](#)
7. [Firearms Information for New California Residents](#)
8. [Contact Us](#)

## **Bureau of Firearms**

[Firearms Home](#)

[California Firearms Laws Summary, pdf \(revised 2016\)](#)

[FAQs](#)

[Forms and Publications](#)

[Becoming a Firearm Dealer and/or Ammunition Vendor in California](#)

[Firearm Safety Certificate Program, DOJ Certified Instructor Information and Comparable Entities](#)

[Certificate of Eligibility Information and Application Process](#)

Bullet Button Assault Weapon Information and Registration Process

Firearms Reporting & Law Enforcement Gun Release Application

Firearm Regulations/Rulemaking Activities

California Code of Regulations

Roster of Firearm Safety Devices Certified for Sale

Roster of Handguns Certified for Sale

Unique Serial Number Application (USNA) Process

Contact Us

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**STATE OF CALIFORNIA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL**

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Meetings and Public Notices

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## **Vote**

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Attorneys for Plaintiffs and Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SHASTA**

HARRY SHARP, et al.,

Petitioners,

vs.

XAVIER BECERRA, et al.,

Respondents.

Case No. 190350

**DECLARATION OF MICHAEL D.  
MIYABARA-MCCASKEY IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ISSUANCE OF  
PRELIMINARY INJUNCTION**

**[CCP § 527]**

Date: Sept. 10, 2018  
Time: 8:30 a.m.  
Dept. 08  
Judge: Hon. Tamara L. Wood

I, Michael D. Miyabara-McCaskey, declare as follows:

1. I am an adult resident of San Jose, California. I have been retained as an expert witness/consultant by plaintiffs' counsel for the matters stated herein. My qualifications are set forth in more detail below. Except as otherwise noted herein, I have personal knowledge of the matters and opinions stated in this declaration, and if called as a witness, could competently testify thereto.

//

2. This declaration is executed in support of plaintiffs' motion for the issuance of a preliminary injunction, made pursuant to Code of Civ. Pro. § 527.

3. I have specifically been retained as an expert witness/consultant by plaintiffs' counsel to provide this court with information and an opinion regarding the likely causes of the inability of plaintiffs, and other members of the public, to maintain connections with the California Department of Justice's assault weapons registration system, and/or to successfully submit assault weapon registration forms to the DOJ.

#### QUALIFICATIONS

4. I am a senior IT Systems/Enterprise Architect, with twenty-one years of experience serving clients both in the private and public sectors. I am the principal of Professional Edge LLC, a San Jose-based organization providing technology and IT consulting for private businesses and the public sector. I have specific and relevant experience in building and maintaining organizational IT systems, enterprise architecture, network administration, systems administration, and database administration.

5. As specifically relevant to the instant matter, I have had over 19 years of experience in designing and architecting enterprise solution platforms, using multi-tier architectures to improve uptime, capacity and security. I am also experienced in providing full root cause analysis (that is, diagnostic tracing, process, threading, memory dump analysis, and code review) relating to enterprise IT problems and failures. In effect, my professional responsibilities are to explain to management, and also to developers, what happened, how and what needs to happen to fix failures, and how to verify the same failures will not happen again.

6. My professional experience includes the creation, maintenance and management of the data systems for the Judicial Council of California. In this regard, I was specifically hired to handle in-sourcing of large court management systems that have data exchanges to multiple justice partners, training resources, developing or finding ways to modify systems to be more efficient and if possible cost less. In the years I have served the Judicial Council as a service

1 provider, I have analyzed, enhanced, profiled, migrated, or maintained dozens of systems  
2 originally created by various State contractors. My primary role as an Architect is to understand  
3 these systems completely, and to make sure that management is fully aware of any implications  
4 of planned upgrades, migrations or enhancements to existing systems. Further, my  
5 responsibilities with the Judicial Council require me to determine and direct teams of IT  
6 resources such as developers, quality assurance/testers, business analysts, systems, network or  
7 database administrators, on how to handle production issues, where others have been unable to  
8 diagnose, and explain the cause of failures.

9 7. Also, as a part of my work for the Judicial Council, I work with many Justice  
10 Partners systems, and as such, I hold a Level 4 Criminal Justice Information System (CJIS)  
11 Security and Awareness certification, and I am experienced with criminal data systems and the  
12 handling of law enforcement data.

13 8. A full set of my credentials, education and experience in this field is set forth in  
14 my resume, a copy of which is attached hereto as **Exhibit A**.

#### 15 16 SCOPE OF REVIEW AND ANALYSIS

17 9. I have been specifically asked to review, and to provide an opinion, as to the  
18 likely cause, source or reason for the inability of the plaintiffs, and others who may be similarly  
19 situated, to connect to and submit information to the California Department of Justice's firearms  
20 registration system (California Firearms Application Reporting System, or "CFARS") for  
21 purpose of registering bullet button assault weapons pursuant to Pen. Code § 30900(b)(1). It is  
22 my understanding that the statutory mandate to create an internet registration system comes from  
23 section 30900(b)(2), which states: "Registrations shall be submitted electronically via the  
24 Internet utilizing a public-facing application made available by the department."

25  
26 10. However, when creating this "public-facing application," the DOJ did not create  
27 an independent on-line registration system, but rather, elected to make an "enhancement" to its  
28 already-existing and maintained CFARS web application which included, inter alia: firearm

1 registrations, ownership reports, transfer reports, serial number applications, and other firearms-  
2 related data. (See portal at <https://cfars.doj.ca.gov>.) This “enhancement” to an already-existing  
3 system was specifically requested “[t]o support a new type of firearms registration in response to  
4 a recently enacted legislation.” (An undated record obtained through the Public Records Act  
5 entitled “Unanticipated Tasks Work Authorization” describing the scope and manner in which  
6 the DOJ sought to create the firearms registration process by 12/31/17 is attached hereto as  
7 **Exhibit B.**)

8 11. To further the scope of this study, I specifically reviewed and relied upon the  
9 following:

- 10 • The Verified First Amended Complaint and attached exhibits;
- 11 • The declarations of plaintiffs in support of the motion for preliminary injunction,  
12 describing their efforts and difficulty with attempting to register bullet button  
13 assault weapons, and including the photographic exhibits attached, and the video  
14 clips that are referenced and linked therein;
- 15 • A response to a Public Records Act Request dated July 9, 2018; and
- 16 • Web Browser error codes and their meanings from various software vendors.

17 12. Having reviewed these materials, I am able to provide the following opinions:  
18 First, it is very clear that the connection issues that were being experienced by the plaintiffs and  
19 others across the state, were caused by either the DOJ’s CFARS servers being overloaded and/or  
20 possibly by one of the State of California datacenters itself being unavailable due to network  
21 routing or overload issues. As shown in multiple screen shots from the plaintiffs, users were not  
22 presented a local browser errors such as “No Internet Connection,” but instead we see very  
23 specific errors from the various browsers being shown saying, “Can’t reach this page”  
24 (cfars.doj.ca.gov) or “This site can’t be reached” (cfars.doj.ca.gov). These very specific errors  
25 by browsers from various software vendors mean the browser was able to diagnose that the  
26 Internet was available, but the specific website (cfars.doj.ca.gov) was not responding in a timely  
27 fashion, or routing to the CFARS server was unavailable due to network hardware or software  
28

failures at the State of California Datacenter where the CFARS servers are located.

13. Next, it is also very clear that the design of the enhancement to the CFARS system that added the ability allowing these “bullet button assault weapons” to be registered was flawed, in that it was built on an existing system which already served other purposes, but without adequate quality assurance testing or profiling allowing for proper sizing of CFARS resources. In a Software Development Lifecycle Management (SDLC) activity such as enhancing an existing system, code is developed as an “add on,” also additional tables, indexes, stored procedures, etc. would likely be added to a separate system called a database, used to store the data set and/or provide configuration or reference data to the new code “add on.” This enhancement “add on” would follow a normal cycle of development, unit test, system or functional test, and possibly regression test, it would eventually lead to user acceptance testing, each phase being done by a combination of either DOJ employees or contractors to simulate the end to end process of registering “bullet button assault weapons.” But the most critical of these tests should happen at the very end of the SDLC enhancement process, and that is load or stress test, this type of testing answers the question of how many or how much more resources does the “add on” need to function reliably when being used by the expected number of users using the newly enhanced CFARS. Again, the CFARS was an existing system that already serves many other purposes. For example, CFARS already hosts a subset of data called California Reporting Information System (CRIS). The CRIS database alone already includes:

- Firearm Ownership Report
- New Resident Report of Firearm Ownership
- Collector In-State Acquisition of Curio or Relic Long Gun Report
- Curio or Relic Firearm Report
- Report of Operation of Law
- Report of Intra-Familial Firearm Transaction; and
- Law Enforcement Gun Release Application

(See screenshot of CRIS reporting forms, attached hereto as **Exhibit C.**) Thus, to create an “add

on” with an entirely new data set, involving the submission of thousands of applications and photographs to accompany them, the CFARS enhancement allowing “bullet button assault weapons” to be registered absolutely also would require “Load or Stress Testing” to verify that the new enhancement itself is stable when large numbers of users use it at the same time, and that it does not create instability or compromise existing functionality that CFARS was already serving. And while it is possible that the Department of Justice or its contractors did do these extra types of tests, the evidence I’ve seen says they were not done, or not done correctly. For example, in detailed review of video footage, it is very clear that DOJ added only a few new pages to the CFARS system, they were added to existing pull down menus, and once the user was on the new pages allowing the “bullet button assault weapons” to be registered, we can see whole sections of the screens redraw upon various “clicks” or “pull down menu selections,” which implies these new pages loaded large amounts of referenced data, configuration and code into these few pages. In other words, large amounts of CFARS server RAM memory were used to load these pages, each time a user logged in. Based on the screenshots from plaintiff Jahraus, for example, we can see direct evidence that the system was not able to load all the data in all cases, the error “When undefined is entered 'Residence Street Address' is required” - there is no possible way a user can select or enter “undefined” they must select something from a pull down menu, or click on something on the registration form, and leaving something blank is not “undefined.” The term “undefined” is a common Java code-based error that occurs when the Java application server is unable to load data referenced from a remote source. This implies the CFARS application servers running this new enhancement allowing the “bullet button assault weapons” to be registered, did not go through proper load or stress testing to see how much server RAM memory, or how many remote connections would be needed during times when the expected number of users were on the system.

14. The “invalid character address” error experienced by some, if not many, also demonstrates inadequate memory/resources. The fact that multiple different users, plaintiffs Gallinger, Jahraus, and Prince all experienced times when their address became invalid, is also a

1 telltale sign that the enhancement to CFARS allowing the “bullet button assault weapons” to be  
2 registered was flawed. In the specific case of plaintiff Prince, we note that he was on the system  
3 for 4 hours and was able to register half of the firearms he was trying to register but then the  
4 system started reporting errors saying his street address was invalid, yet it was valid for the first  
5 several of the firearms he was able to register but then suddenly in the midst of the next  
6 registration his address became invalid. (Prince Decl., ¶ 6.) This again implies that the CFARS  
7 system with its enhancement allowing the “bullet button assault weapons” to be registered had  
8 not been load- or stress-tested, and that erratic behavior was happening on the CFARS server  
9 causing the system not to be able to know if “Avenue” or “Street” or “Court” or “Way” were  
10 valid characters. This is, again, a classic example of a Java Application Server that has run out  
11 of memory, or is unable to connect to a remote or third-party system to load reference data, and  
12 can now no longer validate the user data form submission because the code thinks that only the  
13 value of “undefined” is valid.

14 15. Finally, it’s also very clear that the CFARS servers were both drastically  
15 undersized for network bandwidth speeds required and were also potentially failing and someone  
16 or something was restarting services. Reviewing detailed review of video footage from Gilardy,  
17 we clearly see a timeline from 10:54 p.m., he goes from the “This site can't be reached” error, to  
18 trying several times with his browser, and following best practices by clearing his browser  
19 cookies and browser cache, he eventually gets a CFARS login page. (Gilardy Decl., ¶ 12;  
20 [http://bit.ly/Gilardy\\_Video\\_001](http://bit.ly/Gilardy_Video_001).) He logs in, the system appears very responsive, until he starts  
21 uploading a digital photograph that 3.4MB in size, which is one of the items required for his  
22 firearm registration, and the video footage clearly shows that at 11:05 p.m. the upload finishes,  
23 (at around 42kbps per second, or slower than a 56kbps modem from the 1990s), but he's  
24 immediately redirected back to the login page, with an error from the CFARS server stating  
25 “Your session has timed out” (video at 05:38:04), so the CFARS server issued a Session Timeout  
26 in 11 minutes. Most Java code applications default to session of 20 to 60 minutes. Even if the  
27 system was configured, for some reason, for a 10-minute session timeout, and therefore this is by  
28



1 design, the upload speed is so slow that it would not be possible to upload all the required images  
2 without causing a Session Timeout. So regardless if this was caused when a system  
3 administrator manually restarted, or an automated process restarted the system - either of which  
4 would cause a Session Timeout (sometimes termed a “Kick Out” because the user loses all data  
5 and must start again from the beginning), or if by design this had a 10 minute session timeout but  
6 due to the DOJ incorrectly, or unknowingly didn’t size available network bandwidth correctly for  
7 peak times – it would not be possible for users to follow the law as each and everyone would  
8 instead get a Session Timeout.

9         16. Supporting these opinions is the commonality of many of the problems that were  
10 being experienced, apparently across the state. For example, some individuals reported that they  
11 were having trouble getting onto the CFARS registration system at all. (See Sharp Decl., ¶ 7;  
12 Ajirogi Decl., ¶¶ 6-7; Prince Decl., ¶ 6; and Kuehl Decl., ¶ 6.) In the case of plaintiffs Ajirogi  
13 and Kuehl, they reported that they were being prevented from even reaching the website entirely,  
14 or could not access the assault weapon registration form that was a feature on the CFARS web  
15 site. Other individuals got as far as being able to submit information, but the system would  
16 “time out” (i.e., become unresponsive) upon attempting to upload the four pictures that the DOJ  
17 was requiring as a part of the registration process. (See Sharp Decl., ¶ 6; Gilardy Decl., ¶¶ 8-9  
18 (and video referenced above); Feltman Decl., ¶ 6 (and see: [http://bit.ly/Feltman\\_Video\\_001](http://bit.ly/Feltman_Video_001)). It  
19 was common for others to receive “invalid character address” type errors when attempting to  
20 submit their home address information, which caused them to be unable to proceed further with  
21 those registrations. (See Prince Decl., ¶ 6 and Exhibit A; Jahraus Decl., ¶ 6 and Exhibit A.)

22         17. Finally, given that these errors were server-side errors (on the part of CFARS), it  
23 explains why users following the “Troubleshooting Tips” shown on the DOJ Bureau of Firearms  
24 Website (attached as **Exhibit D**), for many, including plaintiffs, was futile. (See Sharp Decl., ¶  
25 8; Gilardy Decl., ¶ 9; Feltman Decl., ¶ 7; Jahraus Decl., ¶ 8; Gallinger Decl., ¶ 5.)

26 //

27 //

SUMMARY OPINION

18. Therefore, I conclude, with a reasonable degree of certainty, based upon my training, experience and knowledge of the field, that the problems that were being experienced connecting to or the ability to fully use the CFARS system, as reported by plaintiffs and others, was due to inadequate CFARS system resources such as available memory, or available external or third party connections that CFARS application servers depended upon for referenced data, and/or inadequate network bandwidth or network routing problems to the CFARS servers. Additionally, it appears the enhancements to the existing CFARS architecture did not include proper load or stress testing. Finally, the fact that several users had been trying to register for many hours, days or in a few cases weeks, and were receiving some or all of errors mentioned previously, means the DOJ/CFARS or their hired production support vendors were responsible these problems, and in no possible way were any of these issues due to any known fault of the plaintiffs or other members of the public attempting to submit registrations in a timely manner.

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

Dated: August 10, 2018

8/10/18



MICHAEL D. MIYABARA-MCCASKEY

## **EXHIBIT A**

# Michael D. Miyabara-McCaskey

2087 Coastland Avenue  
San Jose, CA 95125-2606  
<http://www.professionaledgellc.com>

Mobile: (408) 504-9014  
m3@professionaledgellc.com

## PROFILE

- **Senior IT Systems/Operations Architect**, with twenty one years of experience serving clients ranging from the smallest startup to the largest Fortune 500 corporations. Primary duties include determine best ROI for planned SDLC changes, work to facilitate integration between major software vendors packages, and deliver systems that provide the highest levels of service and resilience with the lowest operational direct or incurred costs.
- **Outstanding communication skills**, tailored to audiences ranging from Senior Executives to individual contributors such as Java/C++ Developers, QA testers, DBAs, and Systems Administrators.
- **Highly proficient in all aspects of Software Development Life Cycle ( SDLC )**; including capacity planning, system sizing/scaling, redundancy, high availability, and disaster recovery planning.
- **Deep skills/experience with integration/troubleshooting a broad range of enterprise applications**, including web, J2EE, middleware, enterprise/ERP, CRM, SFA, and groupware applications.
- **Served Deloitte Consulting and its clients with distinction for over 6 years**. Recognized by Deloitte leadership as the "Go-to guy" for all critical customer-facing issues.

## QUALIFICATIONS

- **19+ years designing and architecting enterprise solution platforms**, using multi-tier architectures to improve uptime, capacity and security. Responsibilities have included requirements analysis with stakeholders, determining integration points, planning for system scaling, and establishment of processes/revision controls.
- **17+ years working hands-on with numerous Enterprise tools/solutions** such as Weblogic, Webmethods, Adobe, Autonomy, and Oracle databases. Capabilities include full root cause analysis (diagnostic tracing, process, threading, memory dump analysis, code review, etc) plus tailoring enterprise monitoring to watch critical components/integration points.
- **23+ years as systems administrator of numerous platforms**, including Unix/Linux (RHEL, HP-UX, Solaris, SunOS, AIX) and Microsoft (NT, 2000, 2003, 2008) operating systems.
- **21+ years managing information technology projects**, including milestone planning, workload balancing, effort estimation, cost management, team building, and resource coordination.
- **13+ years of network administration experience**, including secure network design ( layered security ), setup, troubleshooting, and monitoring of routers, firewalls, managed switches, load balancers, and kvm/serial consoles.

## PROFESSIONAL EXPERIENCE

**Duration:** Feb 2011 – Present

**Client:** Judicial Council of CA – San Francisco, CA

**Role:** Enterprise Architect for Operations, CCMS V3 – JCC IT. (contracted by Ziba Group)

- Enterprise Architect hired to manage current operations relating to code development ( source-code, unit, bundle, integration, etc. ) - as well as deployment vendors responsible for Go-Live production deployments.
- Additional tasks include gathering requirements for various internal departments; security, data-exchanges, source-code management, etc. and making sure the appropriate outsourced vendor or internal division is able to accommodate the details of each request.
- Recognized by both Senior Management and the Director of Information Systems Division – as being the only person able to properly identify and explain to outsourced vendors where to look to fix and resolve ongoing Production issues that has been plaguing users for months ( multiple vendors had already spent hundreds of man hours - unable to even identify the issues ).
- Ongoing audits of all systems / software / network design / interaction points of software; producing numerous proposals or work orders that have consistently reduced operational costs each year with vast improvements in ROI; keeping all current SLAs and functional and non-functional requirements the same.

**Duration:** Aug 2005 – May 2011

**Client:** Applied Biosystems – Foster City, CA

**Role:** Lead Systems Administrator, Global eBusiness Portal project (contracted by Deloitte Consulting)

- Lead administrator for Portal implementation and ongoing support operations, which combined represent over \$30 Million worth of work for Deloitte Consulting.
- Originally hired to identify/solve chronic performance issues on the Portal's HP PA-RISC Superdomes, which included Apache, BEA WebLogic, Verity, and WebMethods servers. Successfully tuned the system to allow for the successful launch of the R1.0 Portal in 2005, to the extent that no additional tuning was needed until 2007.
- Designed capacity planning algorithms – allowing for proper allocation and usage of PA-RISC hardware and BEA clustered software packages for the intended 3 year lifespan of the R1.0 Portal Project.
- Led security task-force for penetration testing; threat evaluation, and implemented fixes for all software packages. Liaison to development teams to fix functional (coding) issues as they related to security concerns.
- Created a Zero downtime method of code/configuration/data deployment, thus allowing the Portal operations team to apply patches or major releases with no downtime to the end user and with full rollback capability.
- Trained support teams. Reviewed and updated system documentation. Worked as bridge between development and environment teams, creating consistent versioning schemes for all releases.
- Wrote custom monitoring tools with complex logic flows to alert based upon proactive predictive failure points, thus allowing support resources to respond before customer experience was impacted.
- Led design, planning, and execution of a six-month complete platform conversion and hosting migration project. Net result was a 70% reduction in hosting and maintenance fees, while at the same time significantly increasing system performance. Scope of work included new hardware sizing and selection, identification of software updates, vendor interaction for major upgrade solutions, and environment build-out.

**Duration:** May 2001 – Jul 2005

**Client:** Agilent Technologies – Santa Clara, CA

**Role:** Senior IT Systems Architect, Global Agilent.com eBusiness Platform

- Designed and implemented a WAN real-time “always on” Disaster Recovery Plan (DRP) solution, providing Agilent customers near-100% uptime in over 100 countries worldwide.
- Re-designed production processes to allow for zero downtime deployments with rollback capability, without purchasing any additional hardware or software.
- Created a custom monitoring/notification “Healthcheck” solution, which continuously diagnosed all hosts, ports, daemons, services, listeners, etc. for issues and displayed results in a non-technical green/yellow/red style of dashboard.
- Named lead for task force to solve issues of performance with the R2.0 release of Agilent.com. Identified issues, created test cases, and tuned various packages resulting in a 60% increase in speed.
- Created, trained, and managed offshore outsourced infrastructure team in India, greatly improving cost effectiveness for both Agilent and Deloitte Functional Testing activities.
- Enhanced system configuration tool to handle ~15,000 configuration files, spanning 67 hosts (PA-RISC/x86), 5 environments, and 4 software vendors (Oracle, Broadvision, Sun and Entrust) - with full version control using CVS.

**Duration:** Dec 2000 – Apr 2001

**Client:** Hubstorm(Velosel) – Mountain View, CA

**Role:** Senior IT Systems Administrator / IT Manager

- Hired to prepare the company infrastructure for expansion from startup to a fully functional medium sized company.
- Developed long-term strategies for Windows Server + Exchange. Stabilized infrastructure by de-coupling development processes from operations needs. Standardized computing and phone needs for all employees.
- Redesigned network with NAT/DNS zones and site-to-site VPNs, allowing proper interoperability of Linux, Solaris, and Windows from the Corporate LAN to a remote datacenter, including secure remote administration.
- Helped create the next generation of software using Apache, PERL, OpenSSL, and Tomcat. Then deployed a zero downtime infrastructure using Network Appliance Filer (5.2.5R2) and Foundry ServerIron load balancers.
- Managed servers for both internal operations and External B2B customers, including x86/Sun, MS NT4, MS 2000, Linux 2.x, and Solaris 7.x, with Oracle 8i, Apache, Perl (dbi, modperl), OpenSSL, and DNS (bind).

**Duration:** August 1999 – November 2000      **Client:** LinkAbility – Pacifica, CA

**Role:** CTO of Silicon Valley startup - Creating B2B/B2C/C2C commerce search engine

- Designed a system for customers to search and find a desired product, service, or service provider from within a unified portal system.
- Areas of focus included both backend integration to very large disparate database systems (using PostgreSQL), as well as front-end presentation using Windows IIS/ASP

**Duration:** July 1997 – July 1999

**Client:** SensArray (KLA Tencor) – Santa Clara, CA

**Role:** Information Systems Administrator / Manager

- Hired to prepare the company for projected 50% growth.
- Updated entire company to latest Microsoft groupware system – including Exchange 5.x and RightFAX (fax to/from email via InterTel PBX). Implemented proper disaster recovery (off-site backups, plans, etc.)
- Managed data conversion process from Mac AUX custom accounting packages to standard Oracle Enterprise Apps (ERP). Later integrated self serve HR system - using Microsoft IIS, ASP and Access.
- Migrated to Y2K compliant, redundant servers with Windows NT 4, allowing simplified procedures for Engineering and Manufacturing using an Intranet web system for product line automation and revision control.
- Built sales system implementing a custom Sales Forecast method, using Goldmine 4.x (SFA) with dBase IV. Secured sales satellite offices over secure Cisco and Ascend routers/firewalls using site-to-site VPN.

**Duration:** April 1994 – May 1997

**Client:** Palo Alto Research Center (PARC) – Palo Alto, CA

**Role:** Information Systems Engineer

- Directed project migrating data/applications from Xerox proprietary systems to Microsoft platforms, created documentation, brown-bag lunch talks, and helped to create user communities to increase user feedback.
- Key participant creating PC Support Business – included training, vendor contracts, inventory & repair tracking, networks, printing, servers, and disaster recovery/backup for a 1500+ workstation LAN.

## RELEVANT SKILLS

### • Application Administration

- Appservers (Weblogic, Adobe Central Suite, Adobe Coldfusion, WebMethods, MS Exchange, Autonomy IDOL, Verity, Broadvision, Comergent, LDAP Sun Directory, Siteminder, Tomcat, JBoss)
- Databases (Oracle 8i,9i,10g,11g,12c, MySQL 4/5, PostgreSQL 7, MS SQL 2005, MS Access, dBase III/IV)
- Tools/Others (PL-SQL, ERWin, VBS, Perl, DBI, PHP, HTML, CSS, ASP, Parallels Hsphere, Cpanel, Mercury Suite - Test-Director, LoadRunner, Quality Center, Performance Center, Quick Test Pro (QTP), LDAP, Sun One, iPlanet, Apache, Crystal Reports/Business Objects), Oracle AWR/ADDM reports.

### • Systems Administration

- Highly experienced in dealing with issues such as interoperability, parallel authentication structures, and application standardization (directories, ports, mounts, naming, etc.).
- Linux/UNIX (Red Hat Enterprise Linux 3/4/5/6, HP-UX, Solaris, Gentoo, SunOS, AIX, various Linux), bind, yp, nfs, lpr, x windows, samba, apache, iplanet, cvs, tomcat, cpio, tar, gzip, cron, openssl, openssh, and isolation management for custom source configurations.) Shell scripting (sh, ksh, bash)
- WINDOWS (NT/2000/2003/2008), dns, wins, iis, ftp, veritas, batch scripting (bat) w/at scheduling.
- POP3/IMAP/SMTP (sendmail, postfix, qmail), FTP, Telnet, RAID (sw or hw)
- SAN (NetApp Filer/EMC), VNC, RDC, KVM/Serial Console (Raritan/Belkin), PBX (Fujitsu, InterTel)

### • Network Administration

- Routers / Firewalls (T1/DSL/ISDN/2way-LEOSAT, Cisco Pix, Juniper Netscreen, Ascend, AWS)
- Switches, Proxies, Load-balancers, Virtual Private Cloud (Cisco, Dell, Foundry ServerIron, Cisco CSS, F5 BigIP, Bluecoat, AWS)
- Secure network design SSL, SSH, SCP, VPN, IP or protocol filtering, NAT, and Cloud (VPC).

### • Desktop Applications

- MS Office, MS Project, MS Visio, Thunderbird, MS Outlook, Eudora, Goldmine, Java, Adobe Suite – Acrobat, Photoshop, Illustrator, Premier, Frontpage, Pagemill, MS Internet Explorer, Firefox, Chrome, Safari, Subversion, XML Spy, Oracle client tools – WebLogic Workshop, Eclipse, DB Administration.

## RECOGNITION

- Senior Management and Director level recognition in response to identification of on-going production system problems that had been interrupting hundreds of users several times per week – causing thousands of hours of lost work - for the CCMS V3 project – Administration Of the Courts.
- Awarded cash bonus in recognition of leadership provided for the Applied Biosystems eBusiness Portal re-platforming project.
- “Michael is the most well-rounded, technically savvy systems administrator I have ever worked with in my 20+ year career. Plain and simple there is no problem I have thrown at him that he can’t solve. He is clearly THE trusted adviser to both me and my clients.”  
**--Dave Kusmik, Director, Deloitte Consulting**
- “The one person we knew we needed for a successful project launch was Michael.”  
**--Mike Brinker, Principal, Deloitte Consulting**

## EDUCATION

- **DeAnza College, Cupertino, CA**

A.A. Liberal Arts, 1994

- **Additional Training/Certifications**

Oracle DB Administration (Oracle Corp) 1999

Oracle SQL (Oracle Corp) 1999

HR Vantage Admin (Spectrum Soft) 1998

MS Access I, II, III (InfoTech) 1997

Windows Server & 9x (Unitek Training) 1996

MS Visual Basic (UCSC Extension) 1995

NetWare Enterprise Admin (Wave Tech) 1995

NetWare Admin & Support (Wave Tech) 1993

NetWare Data Comm. (Wave Tech) 1993

Apple Computer/Printer HW (Apple) 1993

Computer & Digital Maint. (CCOC) 1989

Stand and Deliver Program (Temenos) 1995

## **EXHIBIT B**



## Unanticipated Tasks Work Authorization

### Project Title

15IT-0841 BOF Apps Upgrade

### Statement of Purpose

CFARS needs to be enhanced to support a new type of firearm registration in response to a recently enacted legislation. The changes required to be made to CFARS is significant and out of the scope of the originally planned work.

This work authorization replaces the previous work authorization approved in August 2016.

### Objective/Goals to be undertaken by the Contractor

Create a new firearms registration process in CFARS.

### Materials to be developed by the Contractor and delivered to the DOJ

Java and PL/SQL source code for the CFARS enhancement.

### Materials to be developed by the DOJ and delivered to the Contractor

No action required by the DOJ.

### Schedule Dates

Start Date: 10/01/2016

Completion Date: 12/31/2017

### Estimated Labor Hours

429

### Labor Rate

\$ 130.00

### Estimated Total Cost

\$55770.00

### Contractor Personnel To Be Assigned

Manoj Gopalakrishnan

### Job Classification/Skill Level

Sr. Tech Lead

### Completion Criteria

CFARS enhancement completed and deployed to production by 1/1/2017.

### Approval

\_\_\_\_\_  
Contractor Project Manager

Date \_\_\_\_\_

\_\_\_\_\_  
DOJ Management

Date \_\_\_\_\_

## **EXHIBIT C**



## CRIS Reporting Forms

[Firearm Ownership Report](#)

[New Resident Report of Firearm Ownership](#)

[Collector In-State Acquisition of Curio or Relic Long Gun Report](#)

[Curio or Relic Firearm Report](#)

[Report of Operation of Law](#)

[Report of Intra-Familial Firearm Transaction](#)

[Law Enforcement Gun Release Application](#)

[Help Me Identify Which Report I Need](#)

## Assistance Center

[CFARS Contact Us](#)

[Report an Issue](#)

[Additional Help](#)

[CFARS Home](#) > [CRIS Home](#)

Logged in user: XXXXXXXXXX

## CRIS Home Page

The CRIS Home Page is used to present important system messages, when necessary, as well as provide users a starting point for system navigation.

To proceed, please select an option from one of the links available.

## **EXHIBIT D**





**XAVIER BECERRA**

*Attorney General*

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# Bullet Button Assault Weapon

[Home](#) / [Firearms](#) / [Bullet Button Assault Weapon](#)

## California Firearms Application Reporting System (CFARS)

The Department is currently experiencing a high volume of users attempting to register their assault weapons.

If you are experiencing difficulty processing an application in CFARS, please try the trouble shooting options listed below.

### Troubleshooting Tips:

- Clear your browser history. This can be done by selecting Shift + Ctrl + Delete on your keyboard. Be sure to clear your Cache, Cookies and Form & Search History.
- Use a different web browser such as, Internet Explorer or Mozilla FireFox. Mozilla FireFox is the preferred web browser to process an application in

CFARS.

- Change computers and/or networks (WiFi, cellular network, etc.)
- If you are still unable to submit your registration, you may try accessing the system at a later time.

**REMINDER:** The last day to submit a bullet button assault weapon registration is **Saturday, June 30, 2018**. The Customer Support Center is available to assist the public between the hours of 8:00 am – 5:00 pm, Monday – Friday only. However, staff will be available to assist with bullet button assault weapon registrations and assault weapon serial number requests via email communication on Saturday, June 30, 2018 until 11:59:59 pm by contacting [awr@doj.ca.gov](mailto:awr@doj.ca.gov).

## **REMINDER: ASSAULT WEAPON REGISTRATION ENDS AT 11:59:59 P.M. ON JUNE 30, 2018.**

All applications for assault weapon registration must be submitted by this deadline. No applications will be accepted thereafter (see Penal Code section 30900(b)(1) and California Code of Regulations, title 11, division 5, chapter 39, section 5469).

**NOTE:** If you are in lawful possession of a bullet button assault weapon that is a Firearm Manufactured By Unlicensed Subject (FMBUS), you must obtain a DOJ-issued serial number by completing form BOF 1008 and emailing it to [DOJSerialNumber@doj.ca.gov](mailto:DOJSerialNumber@doj.ca.gov). The serial number issuance process is **separate** from the assault weapon registration process and **must be completed before the assault weapon registration application will be accepted by DOJ**.

**Do I need to register my bullet button firearm?**

Assembly Bill 1135 and Senate Bill 880 require that 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 Penal Code section 30515, including those weapons with an ammunition feeding device that can be readily removed from the firearm with the use of a tool (commonly referred to as a bullet-button) must register the firearm before January 1, 2018. However, Assembly Bill 103 has since extended the registration period from January 1, 2018 to **July 1, 2018**.

Assembly Bill 1135 and Senate Bill 880 also define the meaning of "fixed magazine" to mean 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.

This legislation closes the "bullet button" loop hole and categorizes "bullet button" firearms as assault weapons. The adopted regulations for bullet button assault weapon registration contains additional information on registration requirements.

### **What is considered an “assault weapon”?**

Pursuant to Assembly Bill 1135 (Stats. 2016, ch. 40) and Senate Bill 880 (Stats. 2016, ch. 48) effective January 1, 2017, the definition of “assault weapon” is revised to mean the following:

#### **RIFLES**

- a. A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:
  - i. A pistol grip that protrudes conspicuously beneath the action of the weapon.
  - ii. A thumbhole stock.

- iii. A folding or telescoping stock.
  - iv. A grenade launcher or flare launcher.
  - v. A flash suppressor.
  - vi. A forward pistol grip.
- b. A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.
- c. A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

## **PISTOLS**

- a. A semiautomatic pistol that does not have a fixed magazine but has any one of the following:
  - i. A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
  - ii. A second handgrip.
  - iii. 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.
  - iv. The capacity to accept a detachable magazine at some location outside of the pistol grip.
- b. A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

## **SHOTGUNS**

- a. A semiautomatic shotgun that has both of the following:
  - i. A folding or telescoping stock.
  - ii. A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.
- b. A semiautomatic shotgun that has the ability to accept a detachable magazine.



- c. Any shotgun with a revolving cylinder.

### **Do I need a DOJ Serial Number?**

Pursuant to California Code of Regulations, title 11, section 5474.2 a person in possession of a Firearm Manufactured By Unlicensed Subject (FMBUS) must seek a Department issued serial number prior to initiating the assault weapon registration process.

Applicants seeking a serial number shall complete a New Serial Number Application (BOF 1008) and submit it to the Department per the instructions on the form. For instructions on how to complete the application, refer to the New Serial Number Form Instructions. For additional information, please contact the Bureau of Firearms Assault Weapon Registration Serial Number at: DOJserialnumber@doj.ca.gov.

### **Where can I register my assault weapon?**

All registrations must be submitted electronically, through the California Firearms Application Reporting System (CFARS) at <https://cfars.doj.ca.gov>. The registration fee is \$15 per person (transaction). To submit your application you will need:

- At least 4 photos of the firearm you intend to register (see sample photos)
  - Close-up of the bullet button style magazine on the firearm.
  - Stock to barrel (with the firearm lying horizontally on a flat surface).
  - Left side of the receiver/frame.
  - Right side of the receiver/frame.
- Proof of residency, if submitting a joint registration.
- Military permanent duty station orders indicating assignment within California, if using a military ID to register. Active duty military spouse ID is not acceptable.

A CFARS Assault Weapon Registration Public User Guide is available for information on how to submit an assault weapon registration electronically.

### **Where can I find additional information about bullet button assault weapons?**

Additional information can be found within the Bullet Button Assault Weapons Frequently Asked Questions.

### **Additional Bureau of Firearms Links**

1. [California Firearms Application Reporting System \(CFARS\)](#)
2. [Frequently Asked Questions](#)
3. [Forms and Publications](#)
4. [Firearms Reporting & Law Enforcement Gun Release Application](#)
5. [Assault Weapons Identification Guide](#)
6. [California Firearms Laws Summary](#)
7. [Firearms Information for New California Residents](#)
8. [Contact Us](#)

## **Bureau of Firearms**

[Firearms Home](#)

[California Firearms Laws Summary, pdf \(revised 2016\)](#)

[FAQs](#)

[Forms and Publications](#)

[Becoming a Firearm Dealer and/or Ammunition Vendor in California](#)

[Firearm Safety Certificate Program, DOJ Certified Instructor Information and Comparable Entities](#)

[Certificate of Eligibility Information and Application Process](#)

Bullet Button Assault Weapon Information and Registration Process

Firearms Reporting & Law Enforcement Gun Release Application

Firearm Regulations/Rulemaking Activities

California Code of Regulations

Roster of Firearm Safety Devices Certified for Sale

Roster of Handguns Certified for Sale

Unique Serial Number Application (USNA) Process

Contact Us

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**STATE OF CALIFORNIA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL**

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Attorneys for Plaintiffs and Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SHASTA**

HARRY SHARP, et al.,

Petitioners,

vs.

XAVIER BECERRA, et al.,

Respondents.

Case No. 190350

**DECLARATION OF PLAINTIFF/PETITIONER  
HARRY SHARP IN SUPPORT OF PLAINTIFFS'  
MOTION FOR ISSUANCE OF PRELIMINARY  
INJUNCTION**

**[CCP § 527]**

Date: Sept. 10, 2018  
Time: 8:30 a.m.  
Dept. 08  
Judge: Hon. Tamara L. Wood

**DECLARATION OF HARRY SHARP**

I, Harry Sharp, declare as follows:

1. I am an adult resident of the Redding, California, and I am a named plaintiff/petitioner in this matter. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a preliminary injunction, made pursuant to Code of Civ. Pro. § 527, whereby we are seeking an

1 injunction prohibiting the temporary and preliminary enforcement of the assault weapon  
2 possession statute, Pen. Code § 30605, as well as the “transportation” provision of the assault  
3 weapon transportation statute found in Pen. Code § 30605, pending the outcome of this  
4 litigation. The relief I and my fellow plaintiffs/petitioners are seeking would be as applied to  
5 myself and my fellow plaintiffs/petitioners, as well as an identifiable class of persons who  
6 attempted to register “bullet button assault weapons” unsuccessfully due to the failure of the  
7 California Department of Justice’s registration system.

8           3.       I was born and raised in California, and I have been a lifelong resident of this  
9 state. I am a law-abiding individual, and I am not prohibited from owning firearms.

10           4.       I am currently retired from my prior employment as an emergency medical  
11 technician (EMT) in Solano County, due to a work-related injury, since 1994. I received my  
12 training at a California Firefighter Academy. I have been a resident of Redding, California since  
13 1996. I am also a lifelong shooter, hunter and conservationist. I was the local (Redding) chapter  
14 president of Safari Club International, a national conservationist/hunters’ organization. I have  
15 held a license to carry a concealed weapon (CCW), issued by my local sheriff, for approx. 30  
16 years.

17           5.       Prior to January 1, 2017, I lawfully acquired and possessed four firearms,  
18 equipped with bullet-button devices, which the Legislature in 2016 defined as “assault weapons”  
19 in that they do not have “fixed magazines” as that term was revised in Pen. Code § 30515. (See  
20 First Amended Complaint (“FAC”) ¶¶ 33-34.) It was and remains my intention to register these  
21 firearms in accordance with Pen. Code § 30900(b)(1). I acquired these firearms primarily  
22 because these were collectors’ items.

23           6.       With the assistance of a friend, approximately two weeks before the statutory  
24 registration deadline of July 1, 2018 (“Deadline”), created a user account with the California  
25 Department of Justice’s CFARS system, with the intention of attempting to register all four  
26 bullet-button firearms. On Friday, June 29, 2018, I was able to log onto my CFARS account,  
27 and with some repeated efforts, I was able to submit a registration form (and all required  
28



1 information and photographs) for one of the four firearms I intended to register that day.

2 Immediately after submitting the registration form for this first firearm, however, I began to  
3 experience problems with the remaining three submissions. Specifically, after I attached the  
4 required photographs for the other three firearms, and attempted to submit them, the DOJ's  
5 system "froze up," and failed. Due to this issue, I was unable to complete these three  
6 applications on that day.

7 7. I tried again the following day, on June 30, 2018. On that day, I made repeated,  
8 multiple attempts (at least 50) to use the DOJ's system, to no avail. Each time I attempted to get  
9 on, the system, it would "freeze up" and it would not be accessible at all.

10 8. I made at least four attempts to obtain help or technical support from the DOJ by  
11 sending an email request by clicking the "help" button (or something similar) on the CFARS  
12 website on that day. Each message was met with an automated, "canned" auto-responder  
13 message stating that I should resubmit the forms after clearing out my web browsers and deleting  
14 "cookies." However, I could not reach a live person at the time. I nevertheless followed these  
15 automated instructions, and continued attempting to register the remaining firearms, even into  
16 the next day, July 1, 2018, but all to no avail.

17 9. Notwithstanding these repeated and extensive efforts to complete the registration  
18 process, I was only able to submit one of the four registrations I had prepared, on June 29. As a  
19 result of the DOJ system's failure to upload/accept my submissions, I was unable to register  
20 three of the four firearms that I intended to register prior to the Deadline.

21 10. I was finally able to reach someone at the DOJ by phone on Monday, July 2,  
22 2018. I told her about the problems I had attempting to register, and I requested an extension of  
23 the deadline (to that day, even). She refused, telling me in essence that it was my responsibility  
24 to have complied with the registration requirement by the Deadline, and that they would not be  
25 providing any extensions.

26 11. A true and correct video I took, documenting my attempts to register after  
27 spending many hours doing so on June 30, 2018, with the CFARS "timeout" preventing me from  
28 even accessing the web page, may be found at: [http://bit.ly/Sharp\\_Video\\_001](http://bit.ly/Sharp_Video_001)

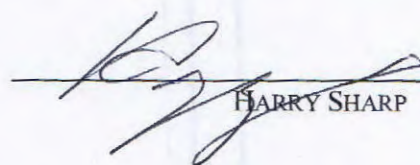
12. In light of these circumstances, I am requesting today that this court prohibit the defendants, the DOJ, and all of their respective officers, agents, servants, employees, attorneys, and persons acting in concert or participation with them, from enforcing Penal Code §§ 30600 (specifically, the prohibition against transportation), and 30605, pending trial and the adjudication of the merits of this action, or until plaintiffs, and a well-defined class of similarly-situated individuals, are permitted a reasonable amount of time to register their firearms through a properly-functioning public-facing Internet-based registration system, as required by Pen. Code § 30900(b)(2).

13. The circumstances described above, and as described by my fellow plaintiffs' declarations in support of this motion, demonstrate that we will likely prevail in proving that the inability of plaintiffs and many other people, similarly situated, to register such bullet-button firearms according to the statute was not a technical or failure on our part, but was a systemic failure on the part of the DOJ. Declaratory relief is requested to determine that I and the other plaintiffs have been unreasonably deprived of the ability to comply with the registration requirements of the law.

14. In the absence of such temporary or preliminary injunctive relief, we would face potentially grave and irreparable injury associated with the substantially unjust deprivation of liberty and property, and potentially severe criminal liabilities, due to no fault of our own, but solely due to the failure of the DOJ to allow us a reasonable opportunity to comply with the law.

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

Dated: 8-7-2018

  
HARRY SHARP

George M. Lee (SBN 172982)  
Douglas A. Applegate (SBN 142000)  
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Attorneys for Plaintiffs and Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SHASTA**

HARRY SHARP, et al.,

Petitioners,

vs.

XAVIER BECERRA, et al.,

Respondents.

Case No. 190350

**DECLARATION OF PLAINTIFF/PETITIONER  
DAVID AJIROGI IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ISSUANCE OF  
PRELIMINARY INJUNCTION**

**[CCP § 527]**

Date: Sept. 10, 2018  
Time: 8:30 a.m.  
Dept. 08  
Judge: Hon. Tamara L. Wood

**DECLARATION OF DAVID AJIROGI**

I, David Ajirogi, declare as follows:

1. I am an adult resident of the County of Sacramento, California, and I am a named plaintiff/petitioner in this matter. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a preliminary injunction, made pursuant to Code of Civ. Pro. § 527, whereby we are seeking an

1 injunction prohibiting the temporary and preliminary enforcement of the assault weapon  
2 possession statute, Pen. Code § 30605, as well as the “transportation” provision of the assault  
3 weapon transportation statute found in Pen. Code § 30605, pending the outcome of this  
4 litigation. The relief I and my fellow plaintiffs/petitioners are seeking would be as applied to  
5 myself and my fellow plaintiffs/petitioners, as well as an identifiable class of persons who  
6 attempted to register “bullet button assault weapons” unsuccessfully due to the failure of the  
7 California Department of Justice’s registration system.

8           3.       I was born and raised in Hawaii, and I have been a resident of this state for over  
9 30 years. I am a law-abiding individual, and I am not prohibited from owning firearms.

10           4.       I am currently employed as an auditor with the EDD, and have been employed by  
11 the State of California for over 20 years. I am also actively involved as a Scoutmaster, Golden  
12 Empire Council, with whom I have been involved for 28 years. I have been a camp director and  
13 have been an NRA range master for a scout camp.

14           5.       Prior to January 1, 2017, I lawfully acquired and possessed three firearms,  
15 equipped with bullet-button devices, which the Legislature in 2016 defined as “assault weapons”  
16 in that they do not have “fixed magazines” as that term was revised in Pen. Code § 30515. (See  
17 First Amended Complaint (“FAC”) ¶¶ 33-34.) It was and remains my intention to register these  
18 firearms in accordance with Pen. Code § 30900(b)(1).

19           6.       I first began the attempts to register these firearms through the DOJ’s CFARS  
20 website on Thursday, June 28, 2018. I created a CFARS account with the intention of  
21 registering the firearms at that time, where I was able to input basic personal information.  
22 However, when I attempted to click onto the “Assault Weapon Registration Form (Assembly Bill  
23 1135/Senate Bill 880)” link, the system froze (“timed out”), became unresponsive, and I was  
24 unable to proceed any further. I spent approximately 20-30 minutes accessing the form that day,  
25 to no avail.

26           7.       I next tried again on June 29, 2018, from my home in Sacramento, using a  
27 different computer. However, I experienced the same problems as before, i.e., the CFARS  
28

1 system would “time out” and not allow me to access the registration form. I contacted the DOJ  
2 for assistance via email that day, but the DOJ never responded to my inquiry.

3 8. As a result of the DOJ system’s failure to upload/accept my submissions, I was  
4 unable to register the three firearms that I intended to register prior to the Deadline.

5 9. In light of these circumstances, I am requesting today that this court prohibit the  
6 defendants, the DOJ, and all of their respective officers, agents, servants, employees, attorneys,  
7 and persons acting in concert or participation with them, from enforcing Penal Code §§ 30600  
8 (specifically, the prohibition against transportation), and 30605, pending trial and the  
9 adjudication of the merits of this action, or until plaintiffs, and a well-defined class of similarly-  
10 situated individuals, are permitted a reasonable amount of time to register their firearms through  
11 a properly-functioning public-facing Internet-based registration system, as required by Pen. Code  
12 § 30900(b)(2).

13 10. The circumstances described above, and as described by my fellow plaintiffs’  
14 declarations in support of this motion, demonstrate that we will likely prevail in proving that the  
15 inability of plaintiffs and many other people, similarly situated, to register such bullet-button  
16 firearms according to the statute was not a technical or failure on our part, but was a systemic  
17 failure on the part of the DOJ. Declaratory relief is requested to determine that I and the other  
18 plaintiffs have been unreasonably deprived of the ability to comply with the registration  
19 requirements of the law.

20 11. In the absence of such temporary or preliminary injunctive relief, we would face  
21 potentially grave and irreparable injury associated with the substantially unjust deprivation of  
22 liberty and property, and potentially severe criminal liabilities, due to no fault of our own, but  
23 solely due to the failure of the DOJ to allow us a reasonable opportunity to comply with the law.

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

25  
26 Dated: Aug 7, 2018

  
David Ajirogi (Aug 7, 2018)

DAVID AJIROGI



George M. Lee (SBN 172982)  
Douglas A. Applegate (SBN 142000)  
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Attorneys for Plaintiffs and Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SHASTA**

HARRY SHARP, et al.,

Petitioners,

vs.

XAVIER BECERRA, et al.,

Respondents.

Case No. 190350

**DECLARATION OF PLAINTIFF/PETITIONER  
RYAN GILARDY IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ISSUANCE OF  
PRELIMINARY INJUNCTION**

**[CCP § 527]**

Date: Sept. 10, 2018  
Time: 8:30 a.m.  
Dept. 08  
Judge: Hon. Tamara L. Wood

**DECLARATION OF RYAN GILARDY**

I, Ryan Gilardy, declare as follows:

1. I am an adult resident of the County of Contra Costa, California, and I am a named plaintiff/petitioner in this matter. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a preliminary injunction, made pursuant to Code of Civ. Pro. § 527, whereby we are seeking an

1 injunction prohibiting the temporary and preliminary enforcement of the assault weapon  
2 possession statute, Pen. Code § 30605, as well as the “transportation” provision of the assault  
3 weapon transportation statute found in Pen. Code § 30605, pending the outcome of this  
4 litigation. The relief I and my fellow plaintiffs/petitioners are seeking would be as applied to  
5 myself and my fellow plaintiffs/petitioners, as well as an identifiable class of persons who  
6 attempted to register “bullet button assault weapons” unsuccessfully due to the failure of the  
7 California Department of Justice’s registration system.

8           3.       I was born and raised in California, and I have been a lifelong resident of this  
9 state. I am a law-abiding individual, and I am not prohibited from owning firearms.

10           4.       I am currently working on my bachelor’s degree in neurobiology. I am currently  
11 employed as a contract researcher and lecturer for a local community college in a natural  
12 sciences field. I previously have been working under a grant from a national scientific  
13 foundation, which provides funds for education and research in the natural sciences and  
14 educational fields. Prior to my current work, I was also an information technology (IT)  
15 professional, having done consulting for individuals and small businesses, part time, mostly  
16 installing and maintaining computer network security systems, general infrastructure updates,  
17 and other IT services.

18           5.       Prior to January 1, 2017, I lawfully acquired and possessed three firearms,  
19 equipped with bullet-button devices, which the Legislature in 2016 defined as “assault weapons”  
20 in that they do not have “fixed magazines” as that term was revised in Pen. Code § 30515. (See  
21 First Amended Complaint (“FAC”) ¶¶ 33-34.) It was and remains my intention to register these  
22 firearms in accordance with Pen. Code § 30900(b)(1).

23           6.       Approximately one month before the statutory registration deadline of July 1,  
24 2018 (“Deadline”), I contacted the California Department of Justice (“DOJ”) out of concern for  
25 the Department’s CFARS system, and the registration process generally. I did so before  
26 establishing a CFARS account, with the intention of registering, prior to the Deadline, the three  
27 bullet button firearms, jointly with other family members. I contacted DOJ at that time because I  
28

1 had heard that there may be issues regarding “timeouts” (i.e., computer freezes) when people  
2 were attempting to make the required payments. I also wanted to make sure that I better  
3 understood the registration process and the information required for submission. During this  
4 telephone conversation I had with a DOJ official, she told me that they expected that there would  
5 be “time outs” with the system, due to the high volume of people who would be attempting to  
6 register in the last month, and therefore advised me to take “extra time” to undergo the process.  
7 At that time, she specifically told me that I might experience “time outs” during the process, but  
8 to keep trying and I would get through eventually after several attempts. I was also advised to  
9 try to register during “non-peak” times.

10 7. After this conversation with the DOJ, and in anticipation of the process, during  
11 the month of June I began to gather all required information and documentation as to the three  
12 firearms in question, including “all identification marks, the date the firearm was acquired, the  
13 name and address of the individual from whom, or business from which, the firearm was  
14 acquired,” as required by Pen. Code § 30900(b)(3). I also gathered additional documentation  
15 specifically required for joint registration, i.e., proof of residency for each joint registrant, and I  
16 took the four required digital photographs that the DOJ was requiring of each firearm. I did so  
17 approximately two weeks before the Deadline to avoid any delays and problems about which the  
18 DOJ was informing me.

19 8. Having gathered all of the required information, documentation and photographs,  
20 I began the registration process on-line on or about June 22, 2018, by accessing CFARS and  
21 attempting to fill out information required upon opening the system’s “Assault Weapon  
22 Registration Form (Assembly Bill 1135/Senate Bill 880).” However, during this process, and  
23 upon attempting to submit the additional documentation required for joint registration (proof of  
24 residency), the system “timed out” and thereby prevented me from completing the registration  
25 process.  
26

27 9. Thereafter, and throughout the week of June 25, 2018, I made many more  
28 attempts to complete the registration process, to no avail. The system continued to “time out”  
upon attempted submission of the documentation. As a former IT professional, I took care to



1 make sure that I was using up-to-date computer systems and fully-updated web browsers. I also  
2 attempted to use multiple computer devices (including a “smart phone” easily capable of  
3 processing pictures), and did so from multiple locations, including my home in Contra Costa  
4 County. I attempted using different devices, Internet browsers, Internet service providers, and  
5 networks, all to no avail. I verified my bandwidth and latency were in a consistent range by  
6 performing Internet speed tests and made sure there were no issues on my side of the connection.  
7 Tests showed my connections were strong, stable and should have been more than adequate to  
8 perform the registration process, but the CFARS servers timed out repeatedly. I also attempted  
9 to reduce the photo size (as measured in megabits) for the four photographs that were being  
10 required, to make sure that the file size was not the issue.

11 10. Notwithstanding these repeated and extensive efforts to complete the registration  
12 process, I was only able to submit one of the three registrations I had prepared, and that was only  
13 after I had abandoned efforts to submit the joint registrations, which would have required the  
14 additional information/documents. That one successful submission came only after making at  
15 least 14 attempts to register that particular firearm. The submission for the other two  
16 semiautomatic firearms never went through, due to the system’s defects and failures, including  
17 “time outs” which would not allow the information to be submitted.

18 11. I attempted to register multiple times the week before the Deadline, including  
19 approximately five (5) hours on June 30, 2018, to no avail. As a result of the DOJ system’s  
20 failure to upload/accept my submissions, I was unable to register two of the firearms that I  
21 intended to register jointly with eligible family members prior to the Deadline.

22 12. A true and correct video I took, documenting and demonstrating my attempts to  
23 register on June 30, 2018, and in particular, showing the amount of time (over five minutes) the  
24 system was taking to upload one single photograph file of 2.0 MB in size, before ultimately  
25 timing out, may be found at: [http://bit.ly/Gilardy\\_Video\\_001](http://bit.ly/Gilardy_Video_001). Another video showing what  
26 happened when I attempted to call the DOJ for help on June 30, 2018 may be found at:  
27 [http://bit.ly/Gilardy\\_Video\\_002](http://bit.ly/Gilardy_Video_002)

28 13. In light of these circumstances, I am requesting today that this court prohibit the

1 defendants, the DOJ, and all of their respective officers, agents, servants, employees, attorneys,  
2 and persons acting in concert or participation with them, from enforcing Penal Code §§ 30600  
3 (specifically, the prohibition against transportation), and 30605, pending trial and the  
4 adjudication of the merits of this action, or until plaintiffs, and a well-defined class of similarly-  
5 situated individuals, are permitted a reasonable amount of time to register their firearms through  
6 a properly-functioning public-facing Internet-based registration system, as required by Pen. Code  
7 § 30900(b)(2).

8 14. The circumstances described above, and as described by my fellow plaintiffs'  
9 declarations in support of this motion, demonstrate that we will likely prevail in proving that the  
10 inability of plaintiffs and many other people, similarly situated, to register such bullet-button  
11 firearms according to the statute was not a technical or failure on our part, but was a systemic  
12 failure on the part of the DOJ. Declaratory relief is requested to determine that I and the other  
13 plaintiffs have been unreasonably deprived of the ability to comply with the registration  
14 requirements of the law.

15 15. In the absence of such temporary or preliminary injunctive relief, we would face  
16 potentially grave and irreparable injury associated with the substantially unjust deprivation of  
17 liberty and property, and potentially severe criminal liabilities, due to no fault of our own, but  
18 solely due to the failure of the DOJ to allow us a reasonable opportunity to comply with the law.

19 I declare under penalty of perjury that the foregoing is true and correct.  
20

21 Dated: 8/6/2018

22 Ryan Gilardy  
23 RYAN GILARDY  
24  
25  
26  
27  
28

George M. Lee (SBN 172982)  
Douglas A. Applegate (SBN 142000)  
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Attorneys for Plaintiffs and Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SHASTA**

HARRY SHARP, et al.,

Petitioners,

vs.

XAVIER BECERRA, et al.,

Respondents.

Case No. 190350

**DECLARATION OF PLAINTIFF/PETITIONER  
DARIN PRINCE IN SUPPORT OF PLAINTIFFS'  
MOTION FOR ISSUANCE OF PRELIMINARY  
INJUNCTION**

**[CCP § 527]**

Date: Sept. 10, 2018  
Time: 8:30 a.m.  
Dept. 08  
Judge: Hon. Tamara L. Wood

**DECLARATION OF DARIN PRINCE**

I, Darin Prince, declare as follows:

1. I am an adult resident of the County of San Diego, California, and I am a named plaintiff/petitioner in this matter. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a preliminary injunction, made pursuant to Code of Civ. Pro. § 527, whereby we are seeking an

1 injunction prohibiting the temporary and preliminary enforcement of the assault weapon  
2 possession statute, Pen. Code § 30605, as well as the “transportation” provision of the assault  
3 weapon transportation statute found in Pen. Code § 30605, pending the outcome of this  
4 litigation. The relief I and my fellow plaintiffs/petitioners are seeking would be as applied to  
5 myself and my fellow plaintiffs/petitioners, as well as an identifiable class of persons who  
6 attempted to register “bullet button assault weapons” unsuccessfully due to the failure of the  
7 California Department of Justice’s registration system.

8         3.       I was born and raised in California, and I have been a lifelong resident of this  
9 state. I am a law-abiding individual, and I am not prohibited from owning firearms. I have a  
10 Certificate of Eligibility (COE) issued to me by the California Department of Justice, and have a  
11 license to carry a concealed firearm (CCW) issued to me by my county sheriff.

12         4.       I am the owner of North Coast Firearms, a federally-licensed firearms dealership  
13 (FFL) and range and training facility, in the County of San Diego, California.

14         5.       Prior to January 1, 2017, I lawfully acquired and possessed many firearms,  
15 equipped with bullet-button devices, which the Legislature in 2016 defined as “assault weapons”  
16 in that they do not have “fixed magazines” as that term was revised in Pen. Code § 30515. (See  
17 First Amended Complaint (“FAC”) ¶¶ 33-34.) It was and remains my intention to register all  
18 such firearms in accordance with Pen. Code § 30900(b)(1).

19         6.       On June 30, 2018, I attempted to register my “bullet button assault weapons”  
20 from my home in San Diego County, California. At first, I was unable to access the DOJ’s  
21 registration website (<https://cfars.doj.ca.gov>) at all, as the site was inaccessible, and would “time  
22 out” while attempting to access it. After about four (4) hours that evening, I was finally able to  
23 log in, and when I did finally start loading all of the firearm information into the system, it was  
24 approximately 10:50 p.m. I was able to upload information and photographs required for seven  
25 (7) firearms, but at approximately 11:15 p.m., the system kicked me out, deleting my submission  
26 and forcing me to log in and start all over again. Upon re-entering the CFARS system, and re-  
27 inputting the information, I was asked to enter my home address. I reentered everything exactly  
28

1 as I had before, but this time, I received an error message that my attempted submission had  
2 “invalid characters” in the home address field. I then attempted every combination of letter and  
3 variations on my address that I could think of, but the system would continue to give me the  
4 error message and would not let me proceed. I contacted the DOJ via email for technical  
5 assistance regarding the error messages I was receiving, but the DOJ did not respond to my  
6 inquiry. I spent a total of approximately six (6) hours attempting to complete all of the  
7 registration forms, to no avail.

8 7. A true and correct copy of my email to the DOJ, sent on June 30, 2018 at 11:51  
9 p.m., which also shows the specific error message I was receiving (“‘Street Address’ contains  
10 one or more invalid characters”) and which was preventing my submissions, is attached hereto as  
11 **Exhibit A.**

12 8. At 11:58 p.m., even though I was able to complete uploading of information and  
13 photographs of several of the firearms, I was unable to enter information and upload photographs  
14 for all that I intended to register that evening. Given the impending midnight deadline, I  
15 finished, submitted and paid for registration seven of the firearms that were in my “cart” at the  
16 time. However, due to the DOJ website’s repeated inaccessibility and errors, I was unable to  
17 register seven other firearms that I had intended to register prior to the Deadline.

18 9. In light of these circumstances, I am requesting today that this court prohibit the  
19 defendants, the DOJ, and all of their respective officers, agents, servants, employees, attorneys,  
20 and persons acting in concert or participation with them, from enforcing Penal Code §§ 30600  
21 (specifically, the prohibition against transportation), and 30605, pending trial and the  
22 adjudication of the merits of this action, or until plaintiffs, and a well-defined class of similarly-  
23 situated individuals, are permitted a reasonable amount of time to register their firearms through  
24 a properly-functioning public-facing Internet-based registration system, as required by Pen. Code  
25 § 30900(b)(2).  
26

27 10. The circumstances described above, and as described by my fellow plaintiffs’  
28 declarations in support of this motion, demonstrate that we will likely prevail in proving that the

1 inability of plaintiffs and many other people, similarly situated, to register such bullet-button  
2 firearms according to the statute was not a technical or failure on our part, but was a systemic  
3 failure on the part of the DOJ. Declaratory relief is requested to determine that I and the other  
4 plaintiffs have been unreasonably deprived of the ability to comply with the registration  
5 requirements of the law.

6 11. In the absence of such temporary or preliminary injunctive relief, we would face  
7 potentially grave and irreparable injury associated with the substantially unjust deprivation of  
8 liberty and property, and potentially severe criminal liabilities, due to no fault of our own, but  
9 solely due to the failure of the DOJ to allow us a reasonable opportunity to comply with the law.

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

11  
12 Dated: 8/7/18

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14 DARIN PRINCE  
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## **EXHIBIT A**

-----Original Message-----

From: dlprince1 <dlprince1@aol.com>

To: firearms.bureau <firearms.bureau@doj.ca.gov>

Sent: Sat, Jun 30, 2018 11:51 pm

Subject: CFARS is locking me out without letting me finish registration

## **FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING (touch or click this banner to view)**

\* Indicates Required Field

### **Form submission failed due to issues requiring correction:**

'Street Address' contains one or more invalid characters

'Street Address' contains one or more invalid characters



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Douglas A. Applegate (SBN 142000)  
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Attorneys for Plaintiffs and Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SHASTA**

HARRY SHARP, et al.,

Petitioners,

vs.

XAVIER BECERRA, et al.,

Respondents.

Case No. 190350

**DECLARATION OF PLAINTIFF/PETITIONER  
TODD FELTMAN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ISSUANCE OF  
PRELIMINARY INJUNCTION**

**[CCP § 527]**

Date: Sept. 10, 2018  
Time: 8:30 a.m.  
Dept. 08  
Judge: Hon. Tamara L. Wood

**DECLARATION OF TODD FELTMAN**

I, Todd Feltman, declare as follows:

1. I am an adult resident of the County of San Diego, California, and I am a named plaintiff/petitioner in this matter. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a preliminary injunction, made pursuant to Code of Civ. Pro. § 527, whereby we are seeking an

1 injunction prohibiting the temporary and preliminary enforcement of the assault weapon  
2 possession statute, Pen. Code § 30605, as well as the “transportation” provision of the assault  
3 weapon transportation statute found in Pen. Code § 30605, pending the outcome of this  
4 litigation. The relief I and my fellow plaintiffs/petitioners are seeking would be as applied to  
5 myself and my fellow plaintiffs/petitioners, as well as an identifiable class of persons who  
6 attempted to register “bullet button assault weapons” unsuccessfully due to the failure of the  
7 California Department of Justice’s registration system.

8           3.       I was born and raised in California, and I have been a lifelong resident of this  
9 state. I am a law-abiding individual, and I am not prohibited from owning firearms.

10           4.       I am a Senior Project Manager with the United States General Services  
11 Administration (GSA), San Diego Construction Services Branch. Part of my work for this  
12 government agency includes basic use and familiarity with computers and computer networks.

13           5.       Prior to January 1, 2017, I lawfully acquired and possessed several firearms,  
14 equipped with bullet-button devices, which the Legislature in 2016 defined as “assault weapons”  
15 in that they do not have “fixed magazines” as that term was revised in Pen. Code § 30515. (See  
16 First Amended Complaint (“FAC”) ¶¶ 33-34.) It was and remains my intention to register these  
17 firearms in accordance with Pen. Code § 30900(b)(1).

18           6.       On June 30, 2018, prior to the statutory deadline of midnight, July 1, 2018  
19 (“Deadline”), I attempted to register these firearms utilizing the DOJ’s CFARS system from my  
20 home in San Diego County. After creating a CFARS account, I began to enter into the system all  
21 information for the first of the firearms I was attempting to register. However, after entering all  
22 required information regarding the first firearm, and upon attempting to upload the required  
23 pictures, the system would “crash” when I attempted to hit the “Submit Final” icon, requiring me  
24 to start over with the form completely.

25           7.       After the system timed out, I repeated the effort, making multiple attempts, using  
26 different web browsers and different Internet connections, all to no avail, as I encountered the  
27 same problems and system errors. I also looked and followed the DOJ’s recommendations  
28

1 regarding clearing of web caches and “cookies.” I also used different devices (different  
2 computers) to attempt to remedy the issue, all to no avail. I attempted to contact the DOJ  
3 regarding these issues, prior to the Deadline, but the DOJ never responded to my inquiry.

4 8. A true and correct screenshot of my computer, showing that everything had been  
5 re-uploaded and prepared prior to the Deadline, that I had checked the “Agree” box, and was  
6 attempting to submit it on my third attempt before the system froze and timed out, is attached  
7 hereto as **Exhibit A**.

8 9. A true and correct video I took, documenting and demonstrating my attempts to  
9 register on June 30, 2018, with the CFARS “timeout” experienced upon hitting the “Submit  
10 Final” icon may be found at: [http://bit.ly/Feltman\\_Video\\_001](http://bit.ly/Feltman_Video_001)

11 10. As a result of the DOJ system’s failure to upload/accept my submissions, I was  
12 unable to register the three firearms that I intended to register prior to the Deadline.

13 11. In light of these circumstances, I am requesting today that this court prohibit the  
14 defendants, the DOJ, and all of their respective officers, agents, servants, employees, attorneys,  
15 and persons acting in concert or participation with them, from enforcing Penal Code §§ 30600  
16 (specifically, the prohibition against transportation), and 30605, pending trial and the  
17 adjudication of the merits of this action, or until plaintiffs, and a well-defined class of similarly-  
18 situated individuals, are permitted a reasonable amount of time to register their firearms through  
19 a properly-functioning public-facing Internet-based registration system, as required by Pen. Code  
20 § 30900(b)(2).

21 12. The circumstances described above, and as described by my fellow plaintiffs’  
22 declarations in support of this motion, demonstrate that we will likely prevail in proving that the  
23 inability of plaintiffs and many other people, similarly situated, to register such bullet-button  
24 firearms according to the statute was not a technical or failure on our part, but was a systemic  
25 failure on the part of the DOJ. Declaratory relief is requested to determine that I and the other  
26 plaintiffs have been unreasonably deprived of the ability to comply with the registration  
27 requirements of the law.  
28

13. In the absence of such temporary or preliminary injunctive relief, we would face

1 potentially grave and irreparable injury associated with the substantially unjust deprivation of  
2 liberty and property, and potentially severe criminal liabilities, due to no fault of our own, but  
3 solely due to the failure of the DOJ to allow us a reasonable opportunity to comply with the law.

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

5  
6 Dated: Aug. 7, 2018

Todd Feltman

Digitally signed by Todd Feltman  
DN: cn=Todd Feltman, o, ou,  
email=[REDACTED] c=US  
Date: 2018.08.07 10:02:03 -07'00'

TODD FELTMAN

## **EXHIBIT A**

Uploaded Right Side of Receiver/Frame RIGHT.JPG

Uploaded Left Side of Receiver/Frame LEFT.JPG

Uploaded Bullet Button Style Magazine Release BB.JPG

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am the lawful owner of all assault weapons that I seek to have registered. I expressly authorize the Department of Justice to perform firearms eligibility checks of all relevant state and federal databases, including the Federal Bureau of Investigation's National Instant Criminal Background Check System. I also understand that if I currently possess or own firearms and the results of this check reveal that I am ineligible either to lawfully possess or purchase firearms, I must relinquish any and all firearms in my possession. **\*Agree** ☒

Please click buttons only once. Multiple clicks will delay processing.

Edit

Submit Final

Top

CFARS Home > CRIS Home

George M. Lee (SBN 172982)  
Douglas A. Applegate (SBN 142000)  
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Attorneys for Plaintiffs and Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SHASTA**

HARRY SHARP, et al.,

Petitioners,

vs.

XAVIER BECERRA, et al.,

Respondents.

Case No. 190350

**DECLARATION OF PLAINTIFF/PETITIONER  
DAVID KUEHL IN SUPPORT OF PLAINTIFFS'  
MOTION FOR ISSUANCE OF PRELIMINARY  
INJUNCTION**

**[CCP § 527]**

Date: Sept. 10, 2018  
Time: 8:30 a.m.  
Dept. 08  
Judge: Hon. Tamara L. Wood

**DECLARATION OF DAVID KUEHL**

I, David Kuehl, declare as follows:

1. I am an adult resident of the County of Fresno, California, and I am a named plaintiff/petitioner in this matter. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a preliminary injunction, made pursuant to Code of Civ. Pro. § 527, whereby we are seeking an

1 injunction prohibiting the temporary and preliminary enforcement of the assault weapon  
2 possession statute, Pen. Code § 30605, as well as the “transportation” provision of the assault  
3 weapon transportation statute found in Pen. Code § 30605, pending the outcome of this  
4 litigation. The relief I and my fellow plaintiffs/petitioners are seeking would be as applied to  
5 myself and my fellow plaintiffs/petitioners, as well as an identifiable class of persons who  
6 attempted to register “bullet button assault weapons” unsuccessfully due to the failure of the  
7 California Department of Justice’s registration system.

8           3.       I was born and raised in California, and I have been a lifelong resident of this  
9 state. I am a law-abiding individual, and I am not prohibited from owning firearms.

10           4.       I am currently retired, having served as an engineering technician, and a member  
11 of the fire protection department, among other responsibilities, with Exxon Mobil for over 30  
12 years. I was also a paid reserve firefighter with the City of Napa Fire Dept. from approx. 1970-  
13 1982. I am also a military veteran, having been honorably discharged by the U.S. Coast Guard  
14 in 1988. For over 7 years, I have held a license to carry a concealed firearm (CCW) issued by  
15 my county sheriff, after proving “good cause” and good moral character to the issuing agency,  
16 after successfully completing a course of training on the law and firearms proficiency, and  
17 passing an extensive Live Scan-based background check.

18           5.       Prior to January 1, 2017, I lawfully acquired and possessed a firearm, equipped  
19 with a bullet-button device, which the Legislature in 2016 defined as an “assault weapon” in that  
20 it does not have a “fixed magazine” as that term was revised in Pen. Code § 30515. (See First  
21 Amended Complaint (“FAC”) ¶¶ 33-34.) It was and remains my intention to register this firearm  
22 in accordance with Pen. Code § 30900(b)(1).

23           6.       On June 30, 2018, prior to the deadline of midnight July 1, 2018 (“Deadline”), I  
24 attempted to register the firearm from my home in Fresno County, California. When I attempted  
25 to access the CFARS system from my computer at that time, I could not get onto the system at  
26 all. I received error messages about the website not being available. I made multiple attempts to  
27 access the DOJ’s website for the purpose of registration, but was unable to get on, and was  
28



1 unable to proceed further. At that time, my Internet connection was working properly, as I was  
2 able to access other websites.

3 7. As a result of the DOJ system's inaccessibility, I was unable to register the  
4 firearm that I intended to register prior to the Deadline.

5 8. In light of these circumstances, I am requesting today that this court prohibit the  
6 defendants, the DOJ, and all of their respective officers, agents, servants, employees, attorneys,  
7 and persons acting in concert or participation with them, from enforcing Penal Code §§ 30600  
8 (specifically, the prohibition against transportation), and 30605, pending trial and the  
9 adjudication of the merits of this action, or until plaintiffs, and a well-defined class of similarly-  
10 situated individuals, are permitted a reasonable amount of time to register their firearms through  
11 a properly-functioning public-facing Internet-based registration system, as required by Pen. Code  
12 § 30900(b)(2).

13 9. The circumstances described above, and as described by my fellow plaintiffs'  
14 declarations in support of this motion, demonstrate that we will likely prevail in proving that the  
15 inability of plaintiffs and many other people, similarly situated, to register such bullet-button  
16 firearms according to the statute was not a technical or failure on our part, but was a systemic  
17 failure on the part of the DOJ. Declaratory relief is requested to determine that I and the other  
18 plaintiffs have been unreasonably deprived of the ability to comply with the registration  
19 requirements of the law.

20 10. In the absence of such temporary or preliminary injunctive relief, we would face  
21 potentially grave and irreparable injury associated with the substantially unjust deprivation of  
22 liberty and property, and potentially severe criminal liabilities, due to no fault of our own, but  
23 solely due to the failure of the DOJ to allow us a reasonable opportunity to comply with the law.

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

25  
26  
27 Dated: Aug 6, 2018 \_\_\_\_\_

David Kuehl  
David Kuehl (Aug 6, 2018)

DAVID KUEHL

George M. Lee (SBN 172982)  
Douglas A. Applegate (SBN 142000)  
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Attorneys for Plaintiffs and Petitioners

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SHASTA**

HARRY SHARP, et al.,

Petitioners,

vs.

XAVIER BECERRA, et al.,

Respondents.

Case No. 190350

**DECLARATION OF PLAINTIFF/PETITIONER  
TERRY JAHRAUS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR ISSUANCE OF  
PRELIMINARY INJUNCTION**

**[CCP § 527]**

Date: Sept. 10, 2018  
Time: 8:30 a.m.  
Dept. 08  
Judge: Hon. Tamara L. Wood

**DECLARATION OF TERRY JAHRAUS**

I, Terry Jahraus, declare as follows:

1. I am an adult resident of the County of Los Angeles, California, and I am a named plaintiff/petitioner in this matter. I have personal knowledge of the facts stated in this declaration, and if called as a witness, could competently testify thereto.

2. This declaration is executed in support of plaintiffs' motion for the issuance of a preliminary injunction, made pursuant to Code of Civ. Pro. § 527, whereby we are seeking an

1 injunction prohibiting the temporary and preliminary enforcement of the assault weapon  
2 possession statute, Pen. Code § 30605, as well as the “transportation” provision of the assault  
3 weapon transportation statute found in Pen. Code § 30605, pending the outcome of this  
4 litigation. The relief I and my fellow plaintiffs/petitioners are seeking would be as applied to  
5 myself and my fellow plaintiffs/petitioners, as well as an identifiable class of persons who  
6 attempted to register “bullet button assault weapons” unsuccessfully due to the failure of the  
7 California Department of Justice’s registration system.

8           3.       I lived in California since the age of five, and I have otherwise been a lifelong  
9 resident of this state. I am a law-abiding individual, and I am not prohibited from owning  
10 firearms.

11           4.       I am currently retired from being in the real estate business for 40+ years, though  
12 I still manage properties and continue to maintain my real estate licenses with the California  
13 Bureau of Real Estate. I am also a Vietnam Veteran, having served in the U.S. Marine Corps in  
14 that theater from 1969-1971, and was honorably discharged in 1971. I went into the real estate  
15 business after returning from Vietnam.

16           5.       Prior to January 1, 2017, I lawfully acquired and possessed a firearm, equipped  
17 with a bullet-button device, which the Legislature in 2016 defined as an “assault weapon” in that  
18 it does not have a “fixed magazine” as that term was revised in Pen. Code § 30515. (See First  
19 Amended Complaint (“FAC”) ¶¶ 33-34.) It was and remains my intention to register this firearm  
20 in accordance with Pen. Code § 30900(b)(1).

21           6.       On June 30, 2018, I learned for the first time, by watching the news on television,  
22 that I was being required to register my “bullet button assault weapon” as such with the  
23 California DOJ. This was the first I ever heard about this requirement, having received no  
24 formal notice from the DOJ or any other source. In order to comply with the law, prior to the  
25 deadline of July 1, 2018 at midnight (“Deadline”), I attempted to access and submit a registration  
26 form with the DOJ’s system, after establishing a CFARS account for this purpose. However,  
27 upon uploading the four required photographs to the site, I received an error message that my  
28

1 submission had “invalid characters” in the address field. I tried all variations of my address that  
2 I could think of, but the system would not accept it. I then logged out and back in, and restarted  
3 the process, but each time I received the “invalid characters” error message, and I was unable to  
4 proceed further. I spent a total of three (3) hours that evening, prior to the Deadline, attempting  
5 to submit the registration form, to no avail. Per the recommendation on the DOJ’s website, I  
6 tried using different web browsers to access and submit, but this didn’t work.

7 7. As a result of the DOJ system’s inaccessibility, I was unable to register the  
8 firearm that I intended to register prior to the Deadline.

9 8. The following Monday, July 2, 2018, I contacted the DOJ for assistance, but the  
10 DOJ official told me, in essence, that it was my responsibility to comply with the law and that I  
11 had all year to do so. In other words, the DOJ representative was blaming me for failing to  
12 register, even though its system was inaccessible and defective in failing to allow me to submit  
13 the form before the Deadline.

14 9. A true and correct picture I took of the “invalid character” error that I was  
15 repeatedly receiving on June 30, 2018, preventing me from submitting the registration form, is  
16 attached hereto as **Exhibit A**.

17 10. In light of these circumstances, I am requesting today that this court prohibit the  
18 defendants, the DOJ, and all of their respective officers, agents, servants, employees, attorneys,  
19 and persons acting in concert or participation with them, from enforcing Penal Code §§ 30600  
20 (specifically, the prohibition against transportation), and 30605, pending trial and the  
21 adjudication of the merits of this action, or until plaintiffs, and a well-defined class of similarly-  
22 situated individuals, are permitted a reasonable amount of time to register their firearms through  
23 a properly-functioning public-facing Internet-based registration system, as required by Pen. Code  
24 § 30900(b)(2).  
25

26 11. The circumstances described above, and as described by my fellow plaintiffs’  
27 declarations in support of this motion, demonstrate that we will likely prevail in proving that the  
28 inability of plaintiffs and many other people, similarly situated, to register such bullet-button  
firearms according to the statute was not a technical or failure on our part, but was a systemic

1 failure on the part of the DOJ. Declaratory relief is requested to determine that I and the other  
2 plaintiffs have been unreasonably deprived of the ability to comply with the registration  
3 requirements of the law.

4 12. In the absence of such temporary or preliminary injunctive relief, we would face  
5 potentially grave and irreparable injury associated with the substantially unjust deprivation of  
6 liberty and property, and potentially severe criminal liabilities, due to no fault of our own, but  
7 solely due to the failure of the DOJ to allow us a reasonable opportunity to comply with the law.

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

9  
10 Dated: 8/7/2018



TERRY JAHRAUS

## **EXHIBIT A**



CFARS Home > CRIS Home

Logged in user: Terry Jahraus 06/30/2018

## Assault Weapon Registration Form (Assembly Bill 1135/Senate Bill 880)

▶ **FORM INSTRUCTIONS AND FEE INFORMATION - REVIEW BEFORE CONTINUING** (touch or click this banner to view)


\* Indicates Required Field

### Form submission failed due to issues requiring correction:

'Residence Street Address' is required

When undefined is entered 'Residence Street Address' is required

'Street Address' contains one or more invalid characters

 [Need help? Refer to the Assault Weapon Registration user guide to complete the form](#)