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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**DAMIEN GUEDES, *et al.***

**Plaintiffs**

**v.**

**BUREAU OF ALCOHOL, TOBACCO,  
FIREARMS AND EXPLOSIVES, *et al.***

**Defendants**

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Civil Action No. 1:18-cv-2988

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**DECLARATION OF JONATHAN JENSEN**

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I, Jonathan Jensen, declare as follows:

1. I am the Vice-President of Firearms Policy Foundation, which is a named institutional plaintiff in this action. I have personal knowledge of the facts stated herein, have reviewed the Complaint, Motion for Preliminary Injunction and Memorandum of Points and Authorities in Support of the Motion for Preliminary Injunction, and if called as a witness could competently testify thereto.
2. This declaration is executed in support of Plaintiffs' Motion for a Preliminary Injunction in this matter. Specifically, preliminary injunctive relief is requested to prevent the Defendants from implementing and enforcing its newly enacted regulation stemming from Docket No. ATF-2017R-22 ("Final Rule"),<sup>1</sup> which criminalizes the mere possession of a "bump-stock-type device" in violation of numerous statutory and constitutional provisions as averred in the Complaint.
3. Plaintiff Firearms Policy Foundation ("FPF") is a 501(c)(3) nonprofit organization, the central mission of which is to defend the Constitution of the United States and the people's rights, privileges and immunities deeply rooted in this Nation's history and tradition, especially the inalienable, fundamental, and individual right to keep and bear arms.

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<sup>1</sup> Available at [www.justice.gov/opa/press-release/file/1120876/download](http://www.justice.gov/opa/press-release/file/1120876/download) and on the Federal Registers website at <https://www.federalregister.gov/documents/2018/12/26/2018-27763/bump-stock-type-devices>.

4. FPF has individual members and supporters throughout the United States, including in those jurisdictions where ownership and possession of affected devices was and remains lawful under state and local laws, and who are or would be adversely affected by Defendants implementation and enforcement of the Final Rule, including Plaintiff Damien Guedes. But for Defendants passage of the Final Rule, FPF members and supporters would continue to lawfully possess and utilize their bump-stock-devices. Due to Defendants passage of the Final Rule, in the absence of this Court enjoining the implementation and enforcement of the Final Rule, FPF members and supporters, and those similarly situated thereto, must decide whether to be deprived of their lawfully owned property or face criminal prosecution, where they can be subjected to 10 years in jail, \$250,000.00 in fines and forfeiture of the vessel the bump-stock-device is found in, per violation. As such, FPF members and supporters who own bump-stock-type devices reasonably fear arrest, prosecution, fine, and incarceration if they do not destroy or turn over their lawfully purchased and possessed bump-stock-devices.
5. Unless the Defendants are enjoined, our organizations' members and supporters, including Plaintiff Damien Guedes, will be deprived in perpetuity of their lawfully obtained and possessed property, namely, their bump-stock-type devices affected by the Final Rule.
6. Unless the Defendants are enjoined, Plaintiff Damien Guedes, a member of FPF, will be forced to surrender or destroy his BFSsystem bump-stock-device, which he would otherwise continue to lawfully possess and utilize.
7. Plaintiffs are accordingly requesting that the Court enjoin the Defendants from implementing and enforcing the Final Rule, in order to preserve the status quo, until the Court can render a final decision in this matter.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my information, knowledge and belief.

Date: December 21, 2018

  
Jonathan Jensen