

1 Raymond M. DiGuiseppe
2 The DiGuiseppe Law Firm, P.C.
3 4320 Southport-Supply Road, Suite 300
4 Southport, NC 28461
5 Tel.: 910-713-8804
6 Email: law.rmd@gmail.com

7 Michael P. Sousa
8 Law Offices of Michael P. Sousa, APC
9 3232 Governor Dr., Suite A
10 San Diego, CA 92122
11 Tel.: 858-453-6122
12 Email: msousa@msousalaw.com

13 Attorneys for Plaintiffs

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

16 LANA RAE RENNA, an individual;
17 DANIELLE JAYMES, an individual;
18 HANNAH SPOUSTA, an individual;
19 LAURA SCHWARTZ, an individual;
20 MICHAEL SCHWARTZ, an individual;
21 ROBERT MACOMBER, an individual;
22 CLINT FREEMAN, an individual;
23 RICHARD BAILEY, an individual;
24 JOHN KLIER, an individual; JUSTIN
25 SMITH, an individual; JOHN
26 PHILLIPS, an individual; PWGG, L.P., a
27 California Limited Partnership;
28 CHERYL PRINCE, an individual;
DARIN PRINCE, an individual; NORTH
COUNTY SHOOTING CENTER, INC.,
a California Corporation; RYAN
PETERSON, an individual;
GUNFIGHTER TACTICAL, LLC, a
California Limited Liability Company,
FIREARMS POLICY COALITION,

Case No. 3:20-cv-02190-DMS-DEB

**DECLARATION OF PLAINTIFF
JOHN PHILLIPS IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO
DISMISS**

Date/Time: To Be Set By Court
Time: 13A
Judge: Hon. Dana M. Sabraw
Trial Date: None set
Action Filed: 11/10/2020

1 INC.; SAN DIEGO COUNTY GUN
2 OWNERS PAC; CITIZENS
3 COMMITTEE FOR THE RIGHT TO
4 KEEP AND BEAR ARMS; and
5 SECOND AMENDMENT
6 FOUNDATION,

7 Plaintiffs,

8 vs.

9 XAVIER BECERRA, in his official
10 capacity as Attorney General of
11 California; and LUIS LOPEZ, in his
12 official capacity as Director of the
13 Department of Justice Bureau of
14 Firearms,

15 Defendants.

16 I, JOHN PHILLIPS, declare as follows:

17 1. I am an adult resident of the County of San Diego, California, and am
18 a named Plaintiff in the above matter. I have personal knowledge of the facts stated
19 herein, and if called as a witness, I could competently testify to these facts.

20 2. This declaration is executed in support of Plaintiffs' Opposition to
21 Defendants' Motion to Dismiss.

22 3. I am not prohibited under state or federal law from possessing,
23 receiving, owning, or purchasing a firearm.
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4. I am the President of Plaintiff PWGG, L.P. (“PWG”), a proprietor of the business, and the individual licensee associated with the dealership and range facility, including by and through the Defendants and their Bureau of Firearms.

5. I am listed as a firearms dealer in Defendants’ Department of Justice Centralized List of Firearms Dealers, and am federally licensed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) as a Federal Firearms Licensee (“FFL”).

6. I am a member and supporter of Plaintiffs FIREARMS POLICY COALITION, SAN DIEGO COUNTY GUN OWNERS PAC, CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, and SECOND AMENDMENT FOUNDATION.

7. I possess a current COE issued by the Defendants’ Department of Justice Bureau of Firearms.

8. I hold an active license to carry a concealed weapon (“CCW”) issued by my county sheriff, after proving “good cause” and “good moral character” to my licensing authority, successfully completing a course of training on the law and firearms proficiency under § 26165 and passing an extensive Live Scan-based background check and placement into the State’s system for monitoring law enforcement contact, arrests, and criminal convictions (“Rap Back”).

9. I am also a trained firearms instructor.

1 10. But for California’s Handgun Ban and Defendants’ active
2 enforcement thereof, I would purchase for self-defense and other lawful purposes a
3 Sig 365, Sig 320 M17, Glock 17 Gen 5 MOS, FN 509, and/or FNX-9, all of which
4 are handguns in common use for self-defense and lawful purposes and widely sold
5 and possessed outside of California.
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8 11. The Sig 365 and Sig 320 are better than any concealed carry weapon
9 on Defendants’ Roster. They both have much newer technology and better
10 ergonomics than any concealed carry weapon on the Roster. The newer
11 technology includes additional safety features that help the functionality of both
12 firearms.
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15 12. The Glock 17 Gen3 that is currently on Defendants’ Roster is
16 extremely outdated. The Glock 17 Gen5 MOS uses much newer technology than
17 the Gen3. The Gen5 handguns are much safer than the Gen3. The Gen5 is also
18 much more reliable and has better ergonomics than the Gen3.
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20 13. There is nothing currently on Defendants’ Roster like the Fabrique
21 National Herstal 509 and FNX-9. These are home protection and concealed carry
22 firearms. There is no gun on Defendants’ Roster that is comparable in size and
23 functionality to the FN 509 and FNX-9. These guns have better ergonomics than
24 the guns on the Roster. This is a unique and high-end firearm. The FN 5.7 is the
25 only FN pistol available on the Roster and it is not a common caliber of gun.
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14. Because the handguns that I seek to purchase for lawful purposes are currently excluded from Defendants’ Roster of purportedly “safe handguns, California’s Handgun Ban bars me from purchasing and taking possession of such handguns from a licensed retailer, who are likewise prohibited from selling them to me on pain of criminal sanction.

15. I have no other lawful method of purchasing these handguns in California.

16. Further, as the proprietor of Plaintiff PWG, but for California’s Handgun Ban and Defendants’ active enforcement thereof, I would make commercially available all handguns in common use for lawful purposes that are widely sold and possessed outside of California, which are currently excluded from Defendants’ handgun Roster, and sell and transfer them to law-abiding customers.

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

Executed on ^{02/14/2021} _____.



JOHN PHILLIPS