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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
JUSTIN SMITH 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, JUSTIN SMITH, 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.

24 4. I am a member and supporter of Plaintiffs FIREARMS POLICY
25 COALITION, SAN DIEGO COUNTY GUN OWNERS PAC, CITIZENS

1 COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, and SECOND
2 AMENDMENT FOUNDATION.

3
4 5. But for California’s Handgun Ban and Defendants’ active
5 enforcement thereof, I would purchase for self-defense and other lawful purposes a
6 CZ P10, Walther Q5 SF, and/or Glock 19 Gen4 or Gen5, all of which are handguns
7 in common use for self-defense and other lawful purposes and widely sold and
8 possessed outside of California.
9

10
11 6. I have shot multiple P10 handguns and the CZ P10 has much better
12 ergonomics and trigger than anything you can purchase on Defendants’ Roster.
13

14 7. I participate in competition shooting matches. The Walther Q5 SF has
15 many features and parts that are specifically designed for competitions and
16 matches. The Walther Q5 SF is recognized as having the best trigger in industry. I
17 am not able to purchase any gun with a similar trigger on Defendants’ Roster. This
18 gun is recognized in the industry as being the best gun to shoot in competitions.
19 Nothing on Defendants’ Roster is comparable.
20
21

22 8. The ergonomics on the Glock 19 Gen5 are far better than the Glock 19
23 Gen3 on Defendants’ Roster. The Gen5 is more reliable than the Gen3 and much
24 more comfortable to shoot. The Gen 5 has backstraps that can be swapped to
25 better fit my hand or the hand of whoever is shooting the gun. The Glock 19 Gen3
26 that is currently on Defendants’ Roster must be modified to make it comfortable
27
28

1 for me to shoot. Therefore, the Gen3 is much less safe to use than the Gen5
2 because it is hard to get a reliable grip on the gun without the adjustable
3
4 backstraps.

5 9. Because the handguns that I seek to purchase for lawful purposes are
6 currently excluded from Defendants’ Roster of purportedly “not unsafe” handguns,
7
8 California’s Handgun Ban bars me from purchasing and taking possession of such
9 handguns from a licensed retailer, who are likewise prohibited from selling them to
10 me on pain of criminal sanction.
11

12 10. I have no other lawful method of purchasing these handguns in
13 California.
14

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

16 02/13/2021

17 Executed on _____.

18 

19 _____
JUSTIN SMITH

20
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