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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  
MICHAEL SCHWARTZ 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, MICHAEL SCHWARTZ, 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 hold an active license to carry a concealed weapon (“CCW”) issued  
25 by my county sheriff, after proving “good cause” and “good moral character” to  
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1 my licensing authority, successfully completing a course of training on the law and  
2 firearms proficiency under § 26165 and passing an extensive Live Scan-based  
3 background check and placement into the State’s system for monitoring law  
4 enforcement contact, arrests, and criminal convictions (“Rap Back”).  
5

6 5. I am the Executive Director of Plaintiff San Diego County Gun  
7 Owners PAC.  
8

9 6. I am a member and supporter of Plaintiffs FIREARMS POLICY  
10 COALITION, SAN DIEGO COUNTY GUN OWNERS PAC, CITIZENS  
11 COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS, and SECOND  
12 AMENDMENT FOUNDATION.  
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15 7. But for California’s Handgun Ban and Defendants’ active  
16 enforcement thereof, I would purchase for self-defense and other lawful purposes a  
17 Glock 19 Gen5 and/or Springfield Armory Hellcat, which are both handguns in  
18 common use for self-defense and other lawful purposes and widely sold and  
19 possessed outside of California.  
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22 8. I would also like to self-build a handgun based on a common,  
23 commercially available platform compatible with the Glock 43 design, such as the  
24 “SS80” available from GlockStore.com, a retailer of products based at 4770  
25 Ruffner Street in San Diego, California, at [https://www.glockstore.com/SS80-M-](https://www.glockstore.com/SS80-M-Model)  
26 [Model](https://www.glockstore.com/SS80-M-Model), for self-defense and other lawful purposes, including sport, but cannot  
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1 because California’s Handgun Ban and Defendants’ enforcement thereof bars me  
2 from doing so under pain of criminal sanction.

3  
4 9. I wish to purchase the Glock 19 Gen5 because of the ambidextrous  
5 slide release. This is crucial to my gun safety training. I specifically train to be  
6 able to use both my right hand and my left hand to safely shoot a gun for self-  
7 defense purposes. If I were to shoot with my left hand using the current Glock 19  
8 Gen3 on Defendants’ Roster, it would be very unsafe because there is no left-  
9 handed slide release. Additionally, the Glock 19 Gen3 does not come with  
10 adjustable backstraps. I have unusually shaped hands and in order to get a solid  
11 and safe grip on the gun, I need the adjustable hand straps. The Glock 19 Gen5  
12 provides adjustable straps that makes it more accurate for me to shoot and safer for  
13 me to shoot.  
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18 10. I wish to purchase the Springfield Armory Hellcat because it is a more  
19 appropriate concealed carry handgun that still holds 10 rounds. I am not able to  
20 purchase a suitable concealed carry weapon that still holds 10 rounds on  
21 Defendants’ Roster.  
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23 11. Because the handguns that I seek to purchase and self-manufacture  
24 and assemble for lawful purposes are currently excluded from Defendants’ Roster  
25 of purportedly “safe” handguns, California’s Handgun Ban bars me from  
26 purchasing and taking possession of them from a licensed retailer, who are likewise  
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prohibited from selling it to me on pain of criminal sanction, and further bars me from “manufacturing” or “assembling” them.

12. I have no other lawful method of purchasing these handguns or these products in California.

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

Executed on <sup>02/14/2021</sup> \_\_\_\_\_.



\_\_\_\_\_  
MICHAEL SCHWARTZ