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11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF SAN DIEGO**

13 MAURO CAMPOS;  
14 SKYLER CALLAHAN-MILLER;  
15 FIVE FIVE SIX INC., dba FIREARMS  
16 UNKNOWN;  
17 DIMITRIOS KARRAS;  
18 PWGG L.P., dba POWAY WEAPONS &  
19 GEAR & PWG RANGE;  
20 JOHN PHILLIPS;  
21 SAN DIEGO GUN OWNERS PAC;  
22 CALIFORNIA GUN RIGHTS FOUNDATION;  
23 SECOND AMENDMENT FOUNDATION;  
24 FIREARMS POLICY FOUNDATION; and  
25 FIREARMS POLICY COALITION, INC.,

26 Petitioners and Plaintiffs,

27 v.

28 XAVIER BECERRA, Attorney General of  
California;

BRENT E. ORICK, Director of the California  
Department of Justice Bureau of Firearms; and

CALIFORNIA DEPARTMENT OF JUSTICE,

Respondents and  
Defendants.

Case No.:

**VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY, INJUNCTIVE, AND  
OTHER RELIEF**

1 Petitioners and Plaintiffs Mauro Campos; Skyler Callahan-Miller; Five Five Six, Inc., dba  
2 Firearms Unknown; Dimitrios Karras; PWGG L.P., dba Poway Weapons & Gear and PWG  
3 Range; John Phillips; San Diego Gun Owners PAC; California Gun Rights Foundation; Second  
4 Amendment Foundation; Firearms Policy Foundation; and Firearms Policy Coalition, Inc.  
5 complain of Respondents and Defendants and allege:

## 6 INTRODUCTION

7 1. Defendants and Respondents Attorney General Xavier Becerra, California  
8 Department of Justice (“DOJ”), and Bureau of Firearms (“Bureau”) Director Brent E. Orick  
9 (collectively, the “Defendants”) have used the DOJ’s Dealer Record of Sale (“DROS”) Entry  
10 System (“DES”) and the COVID-19 pandemic as an opportunity to undermine and restrict  
11 citizens’ access to firearms in violation of California’s statutes and regulations governing firearm  
12 transactions. Plaintiffs bring this lawsuit to challenge the Defendants’ current policy and practice  
13 of delaying firearm transfers beyond what is authorized by law. By impermissibly delaying the  
14 ability of responsible, law-abiding Californians to take possession of firearms, Defendants have  
15 failed to perform their duties, violated California law, and violated the rights of legally eligible  
16 California firearm purchasers and transferees.

17 2. California law imposes a 10-day waiting period on most firearm transactions. Penal  
18 Code §§ 26815(a) & 27540(a). The period is imposed (in part) so that state authorities can conduct  
19 a background check before a firearm is delivered.

20 3. The law further requires that a dealer keep a register or record of each electronic or  
21 telephonic transfer. *See* Penal Code § 28100, *et seq.* As part of that process, dealers utilize DOJ’s  
22 DES system, a web-based system that, inter alia, transmits firearm transaction applications to DOJ  
23 for review and tells dealers when they can deliver a firearm to a transferee.<sup>1</sup>

24 4. DOJ implemented 11 CCR § 4230 (“Section 4230”) in January 2014 to govern  
25 firearms dealers’ use of – and DOJ’s management of – DROS and DES.

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27  
28 <sup>1</sup> Cal. Dep’t of Justice, *DROS Entry System Log On*, <https://des.doj.ca.gov/login.do>.

1           5.       As part of the regulatory scheme, DOJ assigns a “status” in the DES system to a  
2 proposed firearm transaction. For the purposes of this challenge, the relevant ones are: 1) Pending,  
3 2) Approved, 3) Delayed, and 4) Denied. When an application is submitted to DOJ for review, it  
4 is marked “Pending” in the DES. Section 4230 requires that “[a] ‘Pending’ status shall be  
5 designated when the purchaser’s eligibility is under review during the 10-day waiting period.” 11  
6 CCR § 4230(b)(2)(A).

7           6.       If the DOJ “determines the firearm purchaser/transferee/loanee is not prohibited by  
8 state or federal law from purchasing or possessing firearms, *immediately following the conclusion*  
9 *of the 10-day waiting period*, the status of the DES transaction record status will change from  
10 ‘Pending’ to ‘Approved.’” 11 CCR § 4230(a) (emphasis added). Approved purchasers are entitled  
11 to take possession of their firearm at the end of the 10-day waiting period. *Id.*

12           7.       Section 4230(b)(2)(C) requires that “[a] ‘Denied’ status shall be designated when  
13 the Department reviews an application to purchase a firearm based on information provided by the  
14 applicant (e.g., name, date of birth, etc.) without fingerprint comparison and the applicant  
15 information is denied after the Department’s review of matching state and/or federal records.”

16           8.       If, during the 10-day waiting period, DOJ is unable to determine the purchaser’s  
17 eligibility, the transaction may be assigned a “Delayed” status. 11 CCR § 4230(b)(2)(B). But the  
18 statutory scheme allows DOJ to delay delivery of a firearm beyond the 10-day waiting period *only*  
19 if a background check conducted within the initial 10-day window affirmatively shows that the  
20 purchaser might be prohibited from possessing a firearm based on their mental health record, Penal  
21 Code § 28220(f)(1), their criminal record, *id.* (f)(2), or because they have already purchased a  
22 handgun in the previous 30 days.<sup>2</sup> *Id.* (f)(3). In that case, DOJ has up to 30 days from the date of  
23 application to resolve the background check; the transferee is entitled to take possession of the  
24 firearm as soon as their background check is complete (and DOJ assigns it a “Approval after  
25 Delay” status), or at the end of 30 days, whichever is sooner – presuming they are not prohibited

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27  
28 <sup>2</sup> California law generally prohibits citizens from purchasing more than one handgun in a 30-  
day period. Cal. Penal Code § 27535(a). *But see Doe v. Becerra*, 20 Cal.App.5th 330 (2018).

1 from possessing firearms under state or federal law. *Id.*, subd. (f)(4). DOJ has no authority to  
2 delay firearm transactions for reasons not specified in the statute.

3 9. Thus, DOJ’s regulations, in harmony with state statutes, require Defendants to  
4 allow dealers to transfer a firearm immediately following the conclusion of the 10-day waiting  
5 period, absent an affirmative determination that the person is prohibited from possessing firearms  
6 under state and federal law *or* that the transaction may be delayed based on one of the three  
7 expressly enumerated statutory criteria outlined in Penal Code section 28220(f)(1)-(3).

8 10. In early April 2020, DOJ released a statement claiming that Section 28220 gave it  
9 general authority to expand the statutory 10-day waiting period for all firearm transactions, up to  
10 30 days. Citing reduced staffing due to the COVID-19 pandemic – during a time when the  
11 pandemic had likewise led to an increase in firearms transactions – DOJ advised that background  
12 checks may no longer be performed during the initial 10-day waiting period. In the ensuing  
13 weeks, as civil unrest and riots have spurred more citizens to purchase firearms to defend  
14 themselves, Defendants have failed to conduct background checks within the initial 10-day period  
15 as required, and they have delayed transactions beyond the 10-day waiting period due to claimed  
16 administrative burden – not one of the bases authorized by Section 28220. At Plaintiff Firearms  
17 Unknown, Defendants’ policy and practice has delayed hundreds of transactions beyond the 10-  
18 day waiting period. Based on the experience of Plaintiffs, the true number of delays is certainly in  
19 the tens of thousands statewide.

20 11. California law provides a method for suspending laws based on emergencies like  
21 the COVID-19 pandemic. Governor Newsom has relied on the Emergency Services Act,  
22 Government Code § 8550, et seq., to suspend many laws and impose emergency orders based on  
23 the exigencies associated with the pandemic. But the Governor did not suspend Penal Code  
24 section 28220, likely because it would have invited a wave of litigation over whether an extended  
25 30-day (or more) delay violates the Second Amendment.<sup>3</sup>

26  
27 <sup>3</sup> California’s 10-day waiting period is the second-longest in the country; only Hawaii  
28 imposes a longer delay (14 days). Haw. Rev. Stat. § 134–2(e); *see Silvester v. Becerra*, 138 S. Ct.  
945, 945 & nn.1–2 (2018) (Thomas, J., dissenting from the denial of certiorari).

1 12. In any event, Section 28220 remains intact, but DOJ is proceeding as if it has the  
2 power to suspend the law. It does not. “An administrative agency has only those powers  
3 conferred on it by statute, and may not exceed them.” *Fireman’s Fund Ins. Companies v.*  
4 *Quackenbush*, 52 Cal.App.4th 599, 605 (1997); *see also Cal. Dui Lawyers Ass’n v. Cal. Dep’t of*  
5 *Motor Vehicles*, 20 Cal.App.5th 1247, 1264 (2018) (“[a] governmental agency that acts outside of  
6 the scope of its statutory authority acts ultra vires and the act is void”) (citation omitted).

7 13. DOJ’s policy and practice of using DES to maintain applications in a “pending”  
8 status after the statutory 10-day waiting period has expired, without having approved, delayed, or  
9 denied the application, violates 11 CCR § 4230 and Penal Code section 28220. Plaintiffs seek  
10 declaratory, injunctive, and writ relief to invalidate Defendants’ challenged policy and practice,  
11 enjoin its application, and compel them to follow the State’s statutes and their own regulations.

12 **THE PARTIES**

13 14. All individual Plaintiffs herein are natural persons, citizens of the United States,  
14 taxpayers of the State of California, and current residents of the State of California, in the counties  
15 specified below. Each individual Plaintiff is a member of each of Plaintiff organizations California  
16 Gun Rights Foundation, Second Amendment Foundation, Firearms Policy Foundation, and Firearms  
17 Policy Coalition, Inc.

18 15. Petitioner and Plaintiff Mauro Campos is a California resident who is not prohibited  
19 under state or federal law from possessing, receiving, owning, or purchasing a firearm. Campos  
20 possesses a current DOJ-issued certificate of eligibility<sup>4</sup> to possess and purchase firearms. He is a  
21 veteran of the United States Marine Corps who served three combat tours in Iraq between 2004  
22 and 2008. Campos is certified by DOJ as a firearms safety certificate instructor. Campos is a  
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24 <sup>4</sup> A “certificate of eligibility” (“COE”) is a “certificate,” issued by the Department of Justice,  
25 “which states that the Department has checked its records and the records available to the  
26 Department in the National Instant Criminal Background Check System and determined that the  
27 applicant is not prohibited from acquiring or possessing firearms pursuant to Penal Code sections  
28 18205, 29800, 29805, 29815 through 29825, and 29900, or Welfare and Institutions Code sections  
8100 and 8103, or Title 18, sections 921 and 922 of the United States Code, or Title 27, Part  
478.32 of the Code of Federal Regulations at the time the check was performed and which ensures  
that a person who handles, sells, delivers, or has under his or her custody or control any  
ammunition, is eligible to do so pursuant to Penal Code section 30347.” 11 CCR § 4031(d).

1 resident of the County of San Diego, California, and has, within the past year, paid taxes to the  
2 State of California and/or for its benefit.

3 16. Petitioner and Plaintiff Skyler Callahan-Miller is a California resident who is not  
4 prohibited under state or federal law from possessing, receiving, owning, or purchasing a firearm.  
5 Callahan-Miller possesses a current certificate of eligibility (issued by the DOJ) to possess and  
6 purchase firearms. Callahan-Miller is a resident of the County of San Diego, California, and has,  
7 within the past year, paid taxes to the State of California and/or for its benefit.

8 17. Petitioner and Plaintiff Five Five Six Inc., doing business as Firearms Unknown  
9 (“Firearms Unknown”) is a California corporation that operates a firearms dealership in  
10 Oceanside, California. Firearms Unknown is listed as a firearms dealer in DOJ’s Centralized List  
11 of Firearms Dealers. Firearms Unknown is located in the County of San Diego, California, and  
12 has, within the past year, paid taxes to the State of California and/or for its benefit.

13 18. Petitioner and Plaintiff Dimitrios Karras is a California resident who is not  
14 prohibited under state or federal law from possessing, receiving, owning, or purchasing a firearm.  
15 Karras is an employee of Firearms Unknown and an individual licensee associated with the  
16 dealership. Karras is a resident of the County of San Diego, California, and has, within the past  
17 year, paid taxes to the State of California and/or for its benefit.

18 19. Petitioner and Plaintiff PWGG L.P., doing business as Poway Weapons & Gear and  
19 PWG Range (“PWG”) is a California limited partnership that operates a firearms dealership in  
20 Poway, California. PWG is listed as a firearms dealer in DOJ’s Centralized List of Firearms  
21 Dealers. PWG is located in the County of San Diego, California, and has, within the past year,  
22 paid taxes to the State of California and/or for its benefit.

23 20. Petitioner and Plaintiff John Phillips is a California resident who is not prohibited  
24 under state or federal law from possessing, receiving, owning, or purchasing a firearm. Phillips is  
25 an employee of PWG and an individual licensee associated with the dealership. Phillips is a  
26 resident of the County of San Diego, California, and has, within the past year, paid taxes to the  
27 State of California and/or for its benefit.

28

1           21.     Petitioner and Plaintiff San Diego County Gun Owners PAC (“SDCGO”) is a local  
2 political organization whose purpose is to protect and advance the Second Amendment rights of  
3 residents of San Diego County, California, through their efforts to support and elect local and state  
4 representatives who support the Second Amendment right to keep and bear arms. SDCGO’s  
5 membership and donors consist of Second Amendment supporters, people who own guns for self-  
6 defense and sport, firearms dealers, shooting ranges, and elected officials who want to restore and  
7 protect the right to keep and bear arms in California. The interests that SDCGO seeks to protect in  
8 this lawsuit are germane to the organization’s purposes, and, therefore, SDCGO sues on its own  
9 behalf, and on behalf of its members, including individual Plaintiffs herein.

10           22.     Petitioner and Plaintiff California Gun Rights Foundation (“CGF”) is a nonprofit  
11 foundation incorporated under the laws of California with its principal place of business in  
12 Sacramento, California. CGF serves its members, supporters, and the public through educational,  
13 cultural, and judicial efforts to defend and advance Second Amendment and related rights. CGF  
14 has thousands of members and supporters in California, including members in Defendants’  
15 jurisdiction and the individual Plaintiffs herein. The interpretation and enforcement of the  
16 California firearms law directly impacts CGF’s organizational interests, as well as the rights of  
17 CGF’s members and supporters, and other firearm buyers who reside in California. CGF has  
18 expended and diverted resources, and has been adversely and directly harmed, because of  
19 Defendants’ laws, policies, practices, and customs challenged herein. CGF brings this action on  
20 behalf of itself, its members, supporters who possess all the indicia of membership, and similarly  
21 situated members of the public.

22           23.     Petitioner and Plaintiff Second Amendment Foundation, Inc. (“SAF”) is a nonprofit  
23 educational foundation incorporated under the laws of Washington with its principal place of  
24 business in Bellevue, Washington. SAF seeks to preserve the effectiveness of the Second  
25 Amendment through education, research, publishing, and legal action programs focused on the  
26 Constitutional right to possess firearms, and the consequences of gun control. SAF has over  
27 650,000 members and supporters nationwide and thousands of members in California, including  
28 the individual Plaintiffs in this case. SAF brings this action on behalf of itself and its members.

1           24. Plaintiff Firearms Policy Foundation (“FPF”) is a non-profit organization that  
2 serves the public through charitable and educational purposes, with a focus on advancing  
3 constitutional rights with a particular focus on laws relating to firearms and affecting the  
4 fundamental right to keep and bear arms. FPF has members in the State of California, including  
5 the individual and retailer Plaintiffs in this case. FPF represents its members and supporters – who  
6 include California gun owners, individuals in California who wish to acquire firearms and  
7 ammunition, licensed California firearm retailers, and others – and brings this action on behalf of  
8 itself, its members, supporters who possess all the indicia of membership, and similarly situated  
9 members of the public. FPF has expended and diverted resources, and is adversely and directly  
10 harmed, because of Defendants’ laws, policies, orders, practices, and customs challenged herein.

11           25. Petitioner and Plaintiff Firearms Policy Coalition, Inc. (“FPC”) is a nonprofit  
12 organization incorporated under the laws of Delaware with a place of business in California. The  
13 purposes of FPC include defending and promoting the People’s rights – especially but not limited  
14 to First and Second Amendment rights – advancing individual liberty and restoring freedom. FPC  
15 serves its members and the public through legislative advocacy, grassroots advocacy, litigation and  
16 legal efforts, research, education, outreach, and other programs. FPC has members in the State of  
17 California, including the individual and retailer Plaintiffs in this case. FPC represents its members  
18 and supporters – who include gun owners, individuals who wish to acquire firearms and  
19 ammunition, licensed California firearm retailers, shooting ranges, trainers and educators, and  
20 others – and brings this action on behalf of itself, its members, supporters who possess all the  
21 indicia of membership, and similarly situated members of the public. FPC has expended and  
22 diverted resources, and is adversely and directly harmed, because of Defendants’ laws, policies,  
23 orders, practices, and customs challenged herein.

24           26. Respondent and Defendant Xavier Becerra is the Attorney General of the State of  
25 California. The Attorney General is the chief law enforcement officer of the state, and it is his  
26 duty to ensure that California’s laws are uniformly and adequately enforced. The Attorney  
27 General is the head of the DOJ. The DOJ and its Bureau of Firearms regulate and enforce state  
28 law related to the sales, ownership, and transfer of firearms. Attorney General Becerra is sued in



1 his official capacity. The Attorney General maintains an office in San Diego.

2 27. Respondent and Defendant Brent E. Orick is the Chief of the DOJ Bureau of  
3 Firearms. He is sued in his official capacity.

4 28. Respondent and Defendant California Department of Justice and its Bureau of  
5 Firearms regulate and enforce state law related to the sales, ownership, and transfer of firearms.  
6 DOJ maintains an office in San Diego.

### 7 JURISDICTION AND VENUE

8 29. This Court has jurisdiction over this action and authority to issue declaratory relief  
9 pursuant to Code of Civil Procedure section 1060 and Government Code section 11350. Statutory  
10 interpretation “is a particularly appropriate subject for judicial resolution,” and “judicial economy  
11 strongly supports the use of declaratory relief to avoid duplicative actions to challenge an agency’s  
12 statutory interpretation or alleged policies.” *Cal. Sch. Bds. Ass’n v. State of Cal.*, 192 Cal.App.4th  
13 770, 790 (2011) (citations omitted). This Court has jurisdiction to enter injunctive relief pursuant  
14 to Code of Civil Procedure sections 526 and 527, et seq.

15 30. Venue is appropriate in this Court pursuant to Code of Civil Procedure section 401.

### 16 GENERAL ALLEGATIONS

#### 17 **A. California’s Statutes And DOJ’s Own Regulations Require DOJ To Conduct 18 Background Checks Within The First 10 Days Following A Firearm Transfer Application And The Firearm To Be Released Absent a Permissible Delay or Denial.**

19 31. California imposes a 10-day waiting period before a buyer, transferee, or loanee can  
20 take possession of their firearm. Penal Code §§ 26815(a); 27540(a). The waiting period is  
21 implemented by restricting firearms dealers’ authority to deliver a firearm.

22 32. This waiting period is imposed (in part) so that state authorities can conduct a  
23 background check before a firearm is delivered. *See Silvester v. Harris*, 843 F.3d 816, 823–24  
24 (9th Cir. 2016).<sup>5</sup> Firearms purchase applications are processed through the DOJ’s Dealer Record  
25 of Sale Entry System, or “DES” – the computerized, point-of-sale application system that firearms  
26 dealers use to submit firearm transaction applications to the Bureau.

27 \_\_\_\_\_  
28 <sup>5</sup> DOJ’s multi-step, acronym-heavy background check process is reviewed in detail in *Silvester v. Harris*, 41 F.Supp.3d 927, 947–52 (E.D. Cal. 2014).

1           33.     In California, all non-exempt individuals – i.e., ordinary State citizens, like  
2 individual plaintiffs herein – must purchase or otherwise transfer and receive firearms through a  
3 licensed firearms dealer. Penal Code §§ 27545, 28050. Whether a proposed acquisition involves a  
4 purchase or transfer, the person seeking to acquire a firearm is subject to a background check  
5 conducted by the DOJ. *See* Penal Code § 28220. However, the background check need not be  
6 completed in order for the firearm to ultimately be transferred. *See* Penal Code § 28220(f)(4).

7           34.     When DOJ receives a DROS application, it is required to review state and federal  
8 databases to determine whether a prospective buyer is prohibited from possessing, receiving,  
9 owning, or purchasing a firearm. Penal Code § 28220(a)-(b). The background check focuses on  
10 the purchaser’s criminal record and mental health history (to determine whether they are  
11 *prohibited* from possessing a firearm under state or federal law). *See id.* In addition, DOJ checks  
12 for a purchaser’s compliance with California’s one-handgun-every-30-days limitation (to  
13 determine whether they are *ineligible* to purchase an additional handgun). *Id.* (citing Penal Code §  
14 25735(a)). A significant percentage of background checks are complete within the first day (20%  
15 are automatically approved within an hour or two), and the overwhelming percentage of  
16 applications – over 99% – are ultimately approved. *Silvester v. Harris*, 41 F.Supp.3d 927, 953,  
17 954 (E.D. Cal. 2014) (finding that over 99% of applications were approved each year during the  
18 period 2010-2014).

19           35.     California law specifies the conditions allowing DOJ to delay a firearm transfer or  
20 restrict delivery of a firearm beyond the 10-day period after the DROS application is submitted.  
21 Under Section 28220(f), DOJ has authority to delay a firearm transaction beyond the 10-day  
22 waiting period *only* in three limited and expressly enumerated circumstances where its background  
23 check reveals potentially disqualifying information and DOJ is “unable to ascertain” whether the  
24 purchaser is actually prohibited or ineligible before the waiting period concludes:

25           The department shall immediately notify the dealer to delay the transfer of the  
26 firearm to the purchaser if the records of the department, or the records available to  
27 the department in the National Instant Criminal Background Check System,  
28 indicate one of the following:

(i) The purchaser has been taken into custody and placed in a facility for mental health treatment or evaluation and may be a person described in Section 8100 or

1 8103 of the Welfare and Institutions Code and the department is unable to ascertain  
2 whether the purchaser is a person who is prohibited from possessing, receiving,  
3 owning, or purchasing a firearm, pursuant to Section 8100 or 8103 of the Welfare  
and Institutions Code, prior to the conclusion of the waiting period described in  
Sections 26815 and 27540.

4 (ii) The purchaser has been arrested for, or charged with, a crime that would make  
5 him or her, if convicted, a person who is prohibited by state or federal law from  
6 possessing, receiving, owning, or purchasing a firearm, and the department is  
unable to ascertain whether the purchaser was convicted of that offense prior to the  
conclusion of the waiting period described in Sections 26815 and 27540.

7 (iii) The purchaser may be a person described in subdivision (a) of Section 27535  
8 [who has purchased a handgun in the prior 30-day period], and the department is  
9 unable to ascertain whether the purchaser, in fact, is a person described in  
subdivision (a) of Section 27535, prior to the conclusion of the waiting period  
described in Sections 26815 and 27540.

10 Penal Code § 28220(f)(1)(A).

11 36. When DOJ's background check uncovers specific, potentially prohibiting  
12 information, it is required to "immediately notify the dealer" of the reason for the delay and inform  
13 the purchaser about the delay. *Id.*, subds. (f)(1)(A), (f)(1)(B), (f)(2). If DOJ subsequently  
14 determines a purchaser is not prohibited, it is required to "immediately notify" the dealer so it can  
15 transfer the firearm to the purchaser. *Id.*, subd. (f)(3)(A). If DOJ is "unable to ascertain the final  
16 disposition of the arrest or criminal charge, or the outcome of the mental health treatment or  
17 evaluation, or the purchaser's eligibility to purchase a firearm" within 30 days from the date of  
18 purchase, it must "immediately notify" the dealer that it can transfer the firearm. *Id.*, subd. (f)(4).

19 37. In short, Section 28220 allows the DOJ to delay the transfer of a firearm beyond the  
20 10-day waiting period only if the background check conducted in those first 10 days reveals that a  
21 purchaser may be prohibited or ineligible, and that total period cannot exceed 30 days from the  
22 date of purchase. DOJ does not have authority or discretion to delay transfers beyond the 10-day  
23 waiting period for any other reason.

24 38. Consistent with this statutory requirement, DOJ's own regulations provide that,  
25 when a dealer submits a firearm transaction through DROS, the DES transaction record is set to  
26 "Pending" while DOJ conducts a background check. 11 CCR § 4230(a). And "[a] 'Pending'  
27 status shall be designated when the purchaser's eligibility is under review during the 10-day  
28 waiting period." *Id.* at (b)(2)(A) (emphasis added). Further, "[a] 'Delayed' status shall be

1 designated when the Department is unable to determine the purchaser's eligibility within the 10-  
2 day waiting period." *Id.* at (b)(2)(B) (emphasis added).<sup>6</sup>

3 39. Section 4230 further commands that, "[i]f the Department determines the firearm  
4 [purchaser] is not prohibited by state or federal law from purchasing or possessing firearms,  
5 *immediately following the conclusion of the ten-day waiting period*, the status of the DES  
6 transaction record will change from 'Pending' to 'Approved.'" 11 CCR § 4230(a) (emphasis  
7 added).

8 40. In sum, there is no basis for Defendants to leave an individual in a "Pending" status  
9 after the expiration of the 10-day waiting period and prevent licensed dealers from transferring a  
10 firearm. And the only basis for Defendants to delay a transaction, and assign it a "Delayed" status  
11 in DES, is DOJ's determination, after performing the background check within the first 10 days,  
12 that it is unable to determine whether a proposed purchaser or transferee is prohibited or ineligible  
13 based on specific, identifiable information that meets limited, concrete, statutorily defined  
14 circumstances. Through the policy challenged in this lawsuit, however, Defendants are violating  
15 these statutes and regulations.

16 **B. DOJ Seizes On The COVID-19 Pandemic To Suspend Section 28220 And Use The**  
17 **DES System To Extend The Waiting Period For Up To 30 Days.**

18 41. In early April 2020, DOJ and the Bureau of Firearms announced that they were, in  
19 essence, suspending Section 28220. Because of the pandemic, they said, DOJ may or may not  
20 conduct background checks within 10 days of receiving a firearm transaction application as  
21 required under Section 28220, and DOJ would take up to 30 days to process transactions.

22 42. In a notification sent to firearms dealers through the DROS system and published  
23 on the Bureau of Firearms website, Respondents/Defendants claimed that Section 28220(f) gives  
24 them the authority to delay a firearm transaction up to 30 days for any reason (or no reason at all).  
25 The ostensible reason for this policy is the administrative burdens imposed by the COVID-19

26 \_\_\_\_\_  
27 <sup>6</sup> DOJ may be unable to make this determination for a variety of reasons. For example, DOJ  
28 analysts may need to investigate the disposition of a criminal arrest or review mental health  
records to determine whether a purchaser is eligible to own and possess a firearm. *See Silvester*,  
41 F.Supp.3d at 951–52.

1 pandemic coupled with increased public demand for firearms. The notification states:

2 Under Penal Code section 28220(f)(4), the Department of Justice (DOJ) has up to  
3 30 days to complete background checks on purchasers of firearms and ammunition.  
4 Prior to the COVID-19 pandemic, DOJ typically completed these checks within  
5 Penal Code Section 26815(a)'s 10-day waiting period. COVID-19 protective  
6 measures have impacted the ability to increase the personnel resources in the DROS  
7 unit to address the recent sustained increase in firearms and ammunitions  
8 transactions without compromising the health and safety of our employees and the  
community. As a result, firearms and ammunition dealers and purchasers should  
know that as DOJ employees continue to perform the statutorily required  
background checks throughout the COVID-19 pandemic, circumstances may  
compel that background checks are completed after the expiration of the 10-day  
waiting period. DOJ will continue to strive to provide the best service and  
complete these checks in the shortest time possible.

9 Cal. Dep't of Justice, Bureau of Firearms, *Firearms and Ammunition Purchaser Information*,  
10 <https://oag.ca.gov/firearms>.

11 42. Contrary to DOJ's statement, Penal Code Section 28220(f)(4) does not bestow an  
12 unbridled authority to expand the statutes and their terms, but rather provides:

13 If the department is unable to ascertain the final disposition of the arrest or criminal  
14 charge, or the outcome of the mental health treatment or evaluation, or the purchaser's  
15 eligibility to purchase a firearm, *as described in paragraph (1)*, within 30 days of the  
16 dealer's original submission of purchaser information to the department pursuant to  
17 this section, the department shall immediately notify the dealer and the dealer may  
18 then immediately transfer the firearm to the purchaser, upon the dealer's recording on  
the register or record of electronic transfer the date that the firearm is transferred, the  
dealer signing the register or record of electronic transfer indicating delivery of the  
firearm to that purchaser, and the purchaser signing the register or record of electronic  
transfer acknowledging the receipt of the firearm on the date that the firearm is  
delivered to him or her.

19 (emphasis added).

20 43. As shown above, however, the review "described in paragraph (1)" of Section  
21 28220(f) must occur in the initial 10 days following submission of a proposed firearms transaction,  
22 not any time within the first 30 days. DOJ may only extend this period if the background check  
23 performed within the first 10 days gives DOJ specific reason to believe that the purchaser may be  
24 prohibited or ineligible due to one of Section 28220's three enumerated disqualifiers. Then, *and*  
25 *only then*, may DOJ utilize up to the full 30 days to continue its background check process.

26 44. Section 28220(f)(4) does not provide DOJ authority or discretion to extend the  
27 period in which to conduct background checks because it may be short-staffed. Since issuing this  
28 statement, however, Defendants have failed to conduct background checks within 10 days as

1 required by Section 28220 and, rather than changing the transaction from “Pending” to  
2 “Approved,” it has kept purchasers in a “Pending” status – preventing the dealer from transferring  
3 the firearm to the recipient – until DOJ gets around to conducting the check it was supposed to  
4 conduct in the first 10 days and eventually changing the status. In doing so, DOJ has unlawfully  
5 delayed delivery of firearms to law-abiding, responsible Californians who are eligible – and  
6 constitutionally entitled – to possess firearms under state and federal law.

7 45. Defendants have used the DES system to delay transactions by preventing dealers  
8 from delivering firearms to purchasers. Dealers are not allowed to deliver a firearm until DOJ  
9 “releases” a transaction in the system – either because it affirmatively approved the transaction or  
10 the purchaser’s status remains “undetermined” after 30 days under section 28220(f)(4). 11 CCR §  
11 4230(b)(1); *see also* 11 CCR § 4230(b)(2) (“If the status is ‘Pending[.]’ . . . the firearm shall not be  
12 delivered”). And so long as a transaction’s status is “Pending,” the DES system does not provide  
13 the dealer with an option to “Deliver Gun” – the transaction remains stalled. When DOJ releases a  
14 transaction, the DES system allows the dealer to select a button to “Deliver Gun” and complete  
15 delivery of the firearm.

16 46. DOJ is using the DES system to delay transactions by leaving them in limbo.  
17 Defendants have left transactions “Pending” beyond the 10-day waiting period while background  
18 checks remain unperformed, which blocks dealers from delivering the firearm.

19 47. On April 10, 2020, Plaintiff Mauro Campos submitted an application to purchase a  
20 handgun and a rifle through Firearms Unknown. Defendants know<sup>7</sup> that Campos is not prohibited  
21 from purchasing a firearm: He holds a current and valid certificate of eligibility from DOJ, he is a  
22 DOJ-certified firearms safety instructor, and he has firearms registered in the State’s Automated  
23 Firearms System (or “AFS”). Campos’ transaction was delayed until April 28 (18 days), when  
24 DOJ permitted Firearms Unknown to release the firearms through the DROS system. Prior to the  
25 change in status which allowed Firearms Unknown to release the firearm, Campos’ status

26  
27 <sup>7</sup> Defendants have access to, and indeed are required to compile and maintain, many  
28 databases relevant to individuals’ criminal history and firearms eligibility. *See, e.g.*, Penal Code  
§§ 11105, 11106.

1 remained “Pending” after the expiration of the 10-day waiting period. DOJ did not contact  
2 Campos or Firearms Unknown to notify them that the transaction would be delayed past the 10-  
3 day waiting period, or otherwise inform Campos or Firearms Unknown of the reason for the delay  
4 as DOJ was required to do under Section 28220.

5 48. On April 9, 2020, Plaintiff Skyler Callahan-Miller submitted an application to  
6 purchase a handgun through Firearms Unknown. This was Callahan-Miller’s first handgun  
7 purchase; he bought the firearm to defend the home he shares with his wife, who currently serves  
8 in the United States Marine Corps. Callahan-Miller’s transaction was delayed until April 25 (16  
9 days), when DOJ permitted Firearms Unknown to release the firearm through the DROS system.  
10 Prior to the change in status which allowed Firearms Unknown to release the firearm, Callahan-  
11 Miller’s status remained “Pending” after the expiration of the 10-day waiting period. DOJ did not  
12 contact Callahan-Miller or Firearms Unknown to notify them that the transaction would be delayed  
13 past the 10-day waiting period, or otherwise inform Callahan-Miller or Firearms Unknown of the  
14 reason for the delay as DOJ was required to do under Section 28220.

15 49. These delays are just a snapshot of transactions processed by Firearms Unknown  
16 over the past several months. Defendants have delayed firearm transactions for hundreds of  
17 Firearms Unknown’s customers. For the first two months after the policy was announced, the  
18 majority of the dealership’s firearms transactions were delayed for multiple days, and many delays  
19 stretched for weeks. More than four months later, the delays continue. Because Defendants have  
20 failed to perform their duties and comply with the law, Firearms Unknown must review the DES  
21 system daily to determine which “Pending” transactions have been approved for transfer.

22 50. PWG and its customers have also suffered delays related to firearms transactions.  
23 For the first two months after the policy was announced, the majority of the dealership’s firearms  
24 transactions were delayed. Many delays stretched for multiple weeks. PWG has hired additional  
25 staff to answer customer calls regarding the status of their transactions due to the number of  
26 delays. Because Defendants have failed to perform their duties and comply with the law, PWG  
27 must review the DES system daily to determine which “Pending” transactions have been approved  
28 for transfer.

1 **C. DOJ's Suspension Of Section 28220 And Its Policy and Practice of Preventing Dealers**  
2 **From Transferring Firearms After the Conclusion of the 10-Day Waiting Period and**  
3 **Leaving Transactions In A "Pending" Status Is Unlawful.**

4 51. Defendants have violated California law by imposing delays that prevent law-  
5 abiding, responsible Californians from taking possession of their firearms in violation of the state's  
6 waiting period laws and DOJ's own regulations. As set forth above, DOJ is required to change the  
7 status of a "Pending" application to "Approved" *immediately after the expiration of the 10-day*  
8 *waiting period* absent a determination that the individual is prohibited by state or federal law from  
9 purchasing or possessing firearms.

10 52. If, *during the 10-day waiting period*, the "records of the department, or the records  
11 available to the department in the National Instant Criminal Background Check System, indicate  
12 one of the" three specifically enumerated circumstances, Penal Code § 28220(f)(1)(A) – i.e., that  
13 1) *the purchaser was taken into custody and placed in a facility for mental health treatment or*  
14 *evaluation and may be prohibited under §§ 8100 or 8106; 2) the purchaser was arrested for, or*  
15 *charged with, a crime that would make him or her, if convicted, a person who is prohibited by state*  
16 *or federal law from possessing, receiving, owning, or purchasing a firearm, and the department is*  
17 *unable to ascertain whether the purchaser was convicted of that offense prior to the conclusion of*  
18 *the waiting period described in Sections 26815 and 27540; or 3) the purchaser may be a person*  
19 *described in subdivision (a) of Section 27535, and the department is unable to ascertain whether*  
20 *the purchaser, in fact, is a person described in subdivision (a) of Section 27535, prior to the*  
21 *conclusion of the waiting period described in Sections 26815 and 27540 – then, and only then, the*  
22 *DOJ may delay the transaction and change their DES status to "Delayed," which allows for a total*  
23 *of 30 days from the initial acceptance of the application to investigate further and determine the*  
24 *eligibility of the purchaser.*

25 53. DOJ's authority to delay transactions is *based solely* on meeting the three criteria  
26 outlined in Penal Code § 28220(f)(1)(A). Defendants' practice of leaving individuals in a  
27 "Pending" status after the 10-day waiting period has expired violates the statutory scheme detailed  
28 above, as well as DOJ's own regulations.



1 54. Because Defendants do not have the authority to alter or amend a statute, or enlarge  
2 or impair its scope, it is this Court’s obligation to strike down Defendants’ practice of delaying  
3 firearm transfers by holding transactions hostage in a “Pending” status after the expiration of the  
4 10-day waiting period. *See Morris v. Williams*, 67 Cal.2d 733, 748 (1967). “An administrative  
5 agency has only those powers conferred on it by statute, and may not exceed them.” *Fireman’s*  
6 *Fund Ins. Companies v. Quackenbush*, 52 Cal.App.4th 599, 605 (1997).

7 55. And “[a] governmental agency that acts outside of the scope of its statutory  
8 authority acts ultra vires and the act is void.” *Cal. Dui Lawyers Ass’n v. Cal. Dep’t of Motor*  
9 *Vehicles*, 20 Cal.App.5th 1247, 1264 (2018) (citation omitted). *See also, e.g., Ass’n for Retarded*  
10 *Citizens v. Dep’t of Developmental Servs.*, 38 Cal.3d 384, 391 (1985) (“Administrative action that  
11 is not authorized by, or is inconsistent with, acts of the Legislature is void.”); *Dep’t of Parks &*  
12 *Recreation v. State Pers. Bd.*, 233 Cal.App.3d 813, 824 (1991) (any action taken by an agency “in  
13 excess of, or in violation of, the powers conferred upon it” is “void”); *accord Slocum v. State Bd.*  
14 *of Equalization*, 134 Cal.App.4th 969, 974 (2005) (“[A]gencies do not have discretion to  
15 promulgate regulations that are inconsistent with the governing statute, or that alter or amend the  
16 statute or enlarge its scope.”).

17 56. An actual and judicially cognizable controversy exists between Plaintiffs and  
18 Defendants regarding whether Defendants’ policy and practice of leaving individuals in a  
19 “Pending” status after the expiration of the 10-day waiting period violates California law.  
20 Plaintiffs desire a judicial declaration of their rights and Defendants’ duties regarding the validity  
21 of the policy and practice.

22 **CLAIMS FOR RELIEF**

23 **FIRST CAUSE OF ACTION**

24 **(Writ of Mandate – Code of Civil Procedure § 1085)**

25 57. Petitioners and Plaintiffs incorporate here by reference paragraphs 1 through 56,  
26 *supra*, as if fully set forth herein.

27 58. Mandamus relief is appropriate to compel Respondents and Defendants to comply  
28 with the waiting period laws by permitting firearms dealers to deliver firearms to purchasers and

1 transferees after 10 days except where Respondents comply with the procedures to extend the 10-  
2 day waiting period under Penal Code section 28220 or make an affirmative determination the  
3 individual is prohibited under state or federal law from possessing firearms.

4 59. A writ of mandate “may be issued by any court . . . to compel the performance of an  
5 act which the law specially enjoins, as a duty resulting from an office, trust, or station . . . .” Code  
6 Civ. Proc. § 1085 (a). To obtain such a writ, the petitioner must show (1) a clear, present,  
7 ministerial duty on the part of the respondent; and (2) a clear, present, and beneficial right in the  
8 petitioner to the performance of that duty. *Santa Clara Cty. Counsel Attys. Ass’n v. Woodside*, 7  
9 Cal.4th 525, 539–40 (1994).

10 60. Petitioners are entitled to writ relief because the waiting period laws create a clear  
11 and present duty on the part of Respondents to permit firearms dealers to deliver firearms to  
12 purchasers at the end of 10-days except where Respondents have affirmatively delayed a  
13 transaction under Penal Code section 28220 or affirmatively determined that an individual is  
14 prohibited from possessing firearms. Furthermore, Petitioners are entitled to writ relief because  
15 the regulations *require* that a firearm transaction be approved after the expiration of the 10-day  
16 waiting period, absent a status of “Denied” or “Delayed.” By abdicating their duty to follow the  
17 law and regulations and impermissibly using DES to prevent the transfer of firearms after the  
18 expiration of the 10-day waiting period, absent a status of “Denied” or “Delayed,” Respondents  
19 have affirmatively violated their duty under the law and regulations. Petitioners, as firearms  
20 dealers and purchasers, have a clear, present and beneficial right to the performance of that duty by  
21 Respondents.

22 61. Petitioners have no alternate plain, speedy, and adequate remedy in the ordinary  
23 course of law.

## 24 **SECOND CAUSE OF ACTION**

### 25 **(Declaratory Relief – Code of Civil Procedure § 1060)**

26 62. Petitioners and Plaintiffs incorporate here by reference paragraphs 1 through 56,  
27 *supra*, as if fully set forth herein.

1           63.     An actual and judicially cognizable controversy exists between Plaintiffs and  
2 Defendants regarding whether Defendants’ practice of delaying firearm transactions violates  
3 California law. Specifically, under Section 28220, DOJ must conduct a background check within  
4 10 days of receiving a firearm transaction application. At the conclusion of that 10-day period,  
5 DOJ’s own regulation provides for only three possible outcomes – the application is approved,  
6 denied, or delayed.<sup>8</sup> 11 CCR § 4230(b). “A ‘Pending’ status shall be designated when the  
7 purchaser’s eligibility is under review *during the 10-day waiting period.*” 11 CCR §  
8 4230(b)(2)(A) (emphasis added). If the DOJ determines the firearm purchaser is not prohibited by  
9 state or federal law from purchasing or possessing firearms, *immediately following the conclusion*  
10 *of the ten-day waiting period*, the status of the DES transaction will change from “Pending” to  
11 “Approved.” 11 CCR § 4230(a). “A ‘Denied’ status shall be designated when the DOJ reviews an  
12 application to purchase a firearm . . . and the applicant information is denied after the  
13 Department’s review of matching state and/or federal records.” 11 CCR § 4230(b)(2)(C). And  
14 “[a] ‘Delayed’ status shall be designated when the Department is unable to determine the  
15 purchaser’s eligibility *within the 10-day waiting period.*” 11 CCR § 4230(b)(2)(B) (emphasis  
16 added). But Defendants have unlawfully defied the governing statutes and their own regulation by  
17 creating a fourth option – the extension of the “Pending” status *beyond* the 10-day waiting period.  
18 This fourth option is not provided for in either 11 CCR § 4230 or in Section 28220, and runs  
19 contrary to the requirements set forth in each. Defendants’ policy, pattern, and practice of  
20 delaying the delivery of firearms by extending the “Pending” status beyond the 10-day waiting  
21 period violates California law and DOJ’s own regulation. Defendants have relied on the DES  
22 system to enforce this policy and practice by leaving transactions “Pending” beyond the 10-day  
23 waiting period while background checks remain unperformed, which blocks dealers from  
24 delivering a firearm, even though purchasers or transferees are otherwise entitled to take  
25 possession of their property by law. Plaintiffs contend that Defendants’ practice violates  
26 California law.

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28 <sup>8</sup> The other two statuses, “DMV Reject” and “30-day Reject” are immaterial to this analysis.

1 **THIRD CAUSE OF ACTION**

2 **(Declaratory and Injunctive Relief (Waste) – Code of Civil Procedure §§ 526, 526a)**

3 64. Plaintiffs incorporate herein by reference paragraphs 1 through 56 as if fully set  
4 forth herein.

5 65. Defendants’ ongoing conduct, which violates California law and the DOJ’s own  
6 regulations, is an illegal and improper expenditure of public funds that results in waste of  
7 government money, time, and resources that otherwise would only be utilized for the public  
8 benefit through lawful agency or government action. Code Civ. Proc. §§ 526, 526a.

9 66. DOJ’s ongoing conduct, which violates California law and the DOJ’s own  
10 regulations, affects all citizens of California whose taxpayer dollars are being used or have been  
11 used for this invalid regulatory scheme, or who are being deprived, have been deprived, or would  
12 be deprived of the beneficial programs, policies, or activities that would otherwise be pursued or  
13 implemented with the same money, time, and resources. Specifically, the Waiting Period Laws  
14 impose a nondiscretionary duty on Defendants to conduct a background check within the 10-day  
15 period and to permit firearms dealers to deliver firearms to purchasers at the end of 10 days, except  
16 where Defendants have affirmatively delayed a transaction under Penal Code section 28220 or  
17 affirmatively determined that an individual is prohibited from possessing firearms. Defendants’  
18 conduct is illegal and a waste under Code of Civil Procedure section 526a.

19 67. Plaintiffs and other similarly situated individuals have a beneficial interest in  
20 preventing this illegal expenditure of public funds and other resources, as well as in procuring the  
21 proper enforcement and execution of the public duties of Defendants to manage and expend the  
22 public funds and resources in a lawful manner and not to impair or defeat the purpose of valid laws  
23 and regulations. Thus, all such persons have proper standing to seek such a remedy through a  
24 judicial action for declaratory and injunctive relief, and there is no other plain, speedy, and  
25 adequate remedy at law. For the same reasons, Plaintiffs are beneficially interested in preventing  
26 any further implementation or enforcement of this invalid regulatory scheme and in procuring the  
27 proper discharge of the public duties of Defendants concerning the implementation of such  
28 regulatory schemes, and they have no other plain, speedy, and adequate remedy at law.

1 **PRAYER FOR RELIEF**

2 Wherefore, Petitioners and Plaintiffs pray for judgment as follows:

3 1. For a writ of mandate directing Respondents to cease their policy and practice of  
4 delaying firearm transactions beyond the 10-day waiting period, including but not limited to the  
5 use of the DROS Entry System, and directing Respondents to approve applications after the  
6 expiration of the 10-day waiting period, absent a statutory basis to deny or delay the application as  
7 permitted by Penal Code sections 26815(a), 27540(a), and 28220.

8 2. For a writ of mandate directing Respondents to cease their policy and practice of  
9 delaying firearm transactions beyond the 10-day waiting period, and directing Respondents to  
10 permit firearms dealers to deliver firearms to purchasers and transferees after 10 days, except  
11 where Respondents comply with the statutes to extend the 10-day waiting period under three  
12 specific and enumerated circumstances set forth in Penal Code section 28220(f)(1)(A).

13 3. For a writ of mandate directing Respondents to “immediately notify the dealer” of  
14 the reason(s) for any delay and inform the purchaser about the delay as required by Penal Code  
15 section 28220 subdivisions (f)(1)(A), (f)(1)(B), (f)(2).

16 4. For a declaratory judgment that Defendants may not use the DROS Entry System to  
17 leave an individual in a “Pending” status after the expiration of the 10-day waiting period under  
18 Penal Code section 28220 and 11 CCR section 4230.

19 5. For a declaratory judgment that Defendants may not delay firearm transfers beyond  
20 the initial 10-day waiting period except in the three specific and enumerated circumstances set  
21 forth in Penal Code section 28220(f)(1)(A).

22 6. For a declaration that Defendants’ practices challenged herein are invalid, in whole  
23 or in part, insofar as their implementation, and enforcement have resulted in government waste as  
24 alleged herein, and, on that basis, the Defendants and any others who are or may be charged with  
25 the management, disbursement, and/or allocation of such funds are hereby preliminarily and  
26 permanently enjoined from continuing to do so.

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7. For a preliminary and permanent injunction enjoining Defendants from utilizing the DROS Entry System, or any other mechanism, to prevent firearms dealers from transferring firearms at the end of the 10-day waiting period where Defendants have not complied with their duties under and the specific requirements of Penal Code section 28220 and 11 CCR section 4230.

8. For costs of suit, including reasonable attorneys' fees available under applicable law, and all further relief to which Petitioners and Plaintiffs may be justly entitled.

Dated: August 27, 2020

BENBROOK LAW GROUP, PC

By   
BRADLEY A. BENBROOK  
Attorneys for Plaintiffs and Petitioners

**VERIFICATION**

I, Mauro Campos, declare:

I have read the foregoing Verified Petition for Writ of Mandate and Complaint of Declaratory, Injunctive, or Other Relief and know the contents thereof. I am a party to this action. The factual matters concerning my experience stated in the foregoing at Paragraphs 15 and 47 are true of my own knowledge. The remaining matters are stated on information and belief, and, as to those matters, I believe them to be true.

Executed August 27 2020.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.



Mauro Campos

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**VERIFICATION**

I, Skyler Callahan-Miller, declare:

I have read the foregoing Verified Petition for Writ of Mandate and Complaint of Declaratory, Injunctive, or Other Relief and know the contents thereof. I am a party to this action. The factual matters concerning my experience stated in the foregoing at Paragraphs 16 and 48 are true of my own knowledge. The remaining matters are stated on information and belief, and, as to those matters, I believe them to be true.

Executed August 27, 2020.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.



Skyler Callahan-Miller



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**VERIFICATION**

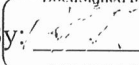
I, Dimitrios Karras, declare:

I am an agent of Five Five Six Inc. and a Responsible Person associated with its Federal Firearms License. I am authorized to make this verification on its behalf. I have read the foregoing Verified Petition for Writ of Mandate and Complaint of Declaratory, Injunctive, or Other Relief and know the contents thereof. The factual matters concerning the organization's experience stated in the foregoing at Paragraphs 17 and 47-49 are true of my own knowledge. The remaining matters are stated on information and belief, and, as to those matters, I believe them to be true.

Executed August 8/27/2020, 2020.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Five Five Six Inc.

DocuSigned by:  
By:   
DIMITRIOS KARRAS  
Dimitrios Karras, Authorized Agent

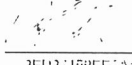
**VERIFICATION**

I, Dimitrios Karras, declare:

I have read the foregoing Verified Petition for Writ of Mandate and Complaint of Declaratory, Injunctive, or Other Relief and know the contents thereof. I am a party to this action. The factual matters concerning my experience stated in the foregoing at Paragraph 18 are true of my own knowledge. The remaining matters are stated on information and belief, and, as to those matters, I believe them to be true.

Executed August 8/27/2020, 2020.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

DocuSigned by:  
  
DIMITRIOS KARRAS  
Dimitrios Karras

1 **VERIFICATION**

2 I, John Phillips, declare:

3 I am the Founder and Managing Partner of PWGG, L.P., and am authorized to make this  
4 verification on its behalf. I have read the foregoing Verified Petition for Writ of Mandate and  
5 Complaint of Declaratory, Injunctive, or Other Relief and know the contents thereof. The factual  
6 matters concerning the organization’s experience stated in the foregoing at Paragraphs 19 and 50  
7 are true of my own knowledge. The remaining matters are stated on information and belief, and,  
8 as to those matters, I believe them to be true.

9 Executed August 26, 2020.

10 I declare under penalty of perjury under the laws of the State of California and the United  
11 States that the foregoing is true and correct.

12 PWGG, L.P.

13 By:  \_\_\_\_\_

14 John Phillips, Founder and Managing Partner

15 **VERIFICATION**

16 I, John Phillips, declare:

17 I have read the foregoing Verified Petition for Writ of Mandate and Complaint of  
18 Declaratory, Injunctive, or Other Relief and know the contents thereof. I am a party to this action.  
19 The factual matters concerning my experience stated in the foregoing at Paragraph 20 are true of  
20 my own knowledge. The remaining matters are stated on information and belief, and, as to those  
21 matters, I believe them to be true.

22 Executed August 26, 2020.

23 I declare under penalty of perjury under the laws of the State of California and the United  
24 States that the foregoing is true and correct.

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27 John Phillips  
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**VERIFICATION**

I, Michael A. Schwartz, declare:

I am the Executive Director of San Diego Gun Owners PAC, and am authorized to make this verification on its behalf. I have read the foregoing Verified Petition for Writ of Mandate and Complaint of Declaratory, Injunctive, or Other Relief and know the contents thereof. The factual matters concerning the organization's experience stated in the foregoing at Paragraphs 1-13, 21, 29-46, and 51-56 are true of my own knowledge. The remaining matters are stated on information and belief, and, as to those matters, I believe them to be true.

Executed August 26, 2020.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

San Diego Gun Owners PAC

By: 

Michael A. Schwartz, Executive Director

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**VERIFICATION**

I, Gene Hoffman, declare:

I am Chairman of the California Gun Rights Foundation, and am authorized to make this verification on its behalf. I have read the foregoing Verified Petition for Writ of Mandate and Complaint of Declaratory, Injunctive, or Other Relief and know the contents thereof. The factual matters set forth in Paragraphs 1-14, 22, 26-46, and 51-67 are true and accurate based on the organization's experience. The remaining matters are stated on information and belief, and, as to those matters, I believe them to be true.

Executed August 26, 2020.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

California Gun Rights Foundation

By: \_\_\_\_\_

Gene Hoffman, Chairman

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**VERIFICATION**

I, Alan Gottlieb, declare:

I am Executive Vice President of the Second Amendment Foundation, and am authorized to make this verification on its behalf. I have read the foregoing Verified Petition for Writ of Mandate and Complaint of Declaratory, Injunctive, or Other Relief and know the contents thereof. The factual matters set forth in Paragraphs 1–14, 23, 26–46, and 51–67 are true and accurate based on the organization’s experience. The remaining matters are stated on information and belief, and, as to those matters, I believe them to be true.

Executed 8/26/2020.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Second Amendment Foundation

DocuSigned by:  
*By Alan Gottlieb*

Alan Gottlieb, Executive Vice President

1 **VERIFICATION**

2 I, Jon Jensen, declare:

3 I am Vice President of the Firearms Policy Foundation, and am authorized to make this  
4 verification on its behalf. I have read the foregoing Verified Petition for Writ of Mandate and  
5 Complaint of Declaratory, Injunctive, or Other Relief and know the contents thereof. The factual  
6 matters set forth in Paragraphs 1–14, 24, 26–46, and 51–67 are true and accurate based on the  
7 organization’s experience. The remaining matters are stated on information and belief, and, as to  
8 those matters, I believe them to be true.

9 Executed August 26, 2020.

10 I declare under penalty of perjury under the laws of the State of California and the United  
11 States that the foregoing is true and correct.

12 Firearms Policy Foundation

13 By: Jonathan D Jensen

14 Jon Jensen, Vice President

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1 **VERIFICATION**


2 I, Brandon Combs, declare:

3 I am President of the Firearms Policy Coalition, and am authorized to make this  
4 verification on its behalf. I have read the foregoing Verified Petition for Writ of Mandate and  
5 Complaint of Declaratory, Injunctive, or Other Relief and know the contents thereof. The factual  
6 matters set forth in Paragraphs 1–14, 25–46, and 51–67 are true and accurate based on the  
7 organization’s experience. The remaining matters are stated on information and belief, and, as to  
8 those matters, I believe them to be true.

9 Executed August 26, 2020.

10 I declare under penalty of perjury under the laws of the State of California and the United  
11 States that the foregoing is true and correct.

12 Firearms Policy Coalition

13 By:  \_\_\_\_\_

14 Brandon Combs, President

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