

1 Donald E.J. Kilmer, Jr., (SBN: 179986)  
LAW OFFICES OF DONALD KILMER  
2 A Professional Corporation  
1645 Willow Street, Suite 150  
3 San Jose, California 95125  
Telephone: 408/264-8489  
4 Facsimile: 408/264-8487  
E-Mail: Don@DKLawOffice.com

5 Attorney for Plaintiffs  
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9 **UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 RICHARD ENOS, JEFF BASTASINI,  
11 LOUIE MERCADO, WALTER  
12 GROVES, MANUEL MONTEIRO,  
13 EDWARD ERIKSON, and VERNON  
NEWMAN,

14 Plaintiffs,

15 vs.

16 ERIC HOLDER, as United States  
17 Attorney General, and ROBERT  
18 MUELLER, III, as Director of the  
Federal Bureau of Investigation,

19 Defendants.  
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Case No.: 2:10-CV-02911-JAM-EFB

DECLARATION OF VERNON  
NEWMAN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT

Federal Rule of Civil Procedure 56

Date: January 25, 2012  
Time: 9:30 a.m.  
Place: Courtroom 6, 14<sup>th</sup> Floor  
501 "T" Street  
Sacramento, CA 95814  
Judge: Hon. John A. Mendez

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22 I, VERNON NEWMAN, declare as follows:

- 23 1. I am a Plaintiff in the above-entitled case.  
24 2. I am a resident of California.  
25 3. On September 17, 1998, I plead guilty and/or no contest in a Santa Clara  
26 Superior Court to a misdemeanor charge of Penal Code § 243(e).  
27 4. I was not prohibited from exercising any other civil right (voting, holding  
28 public office, and/or serving jury duty) as a consequence of my conviction.

1 5. On July 17, 2008, the Superior Court granted my petition under Penal Code §  
2 1203.4. My plea was withdrawn, a plea of not guilty was entered and the  
3 court dismissed the case.

4 6. On or about August 1, 2011 I was denied a firearm purchase by the  
5 California Department of Justice after truthfully answering "YES" to  
6 question 11.i., on ATF Form 4473 (5300.9).

7 7. As of December 14, 2011, I am permitted to acquire and possess firearms  
8 under the laws of the State of California.

9 8. As of December 14, 2011, I am prohibited from acquiring and possessing  
10 firearms due to threat of criminal prosecution under federal law.

11 9. But for Defendants' wrongful interpretation of the federal laws regulating  
12 firearm possession and purchase by domestic violence misdemeanants, I  
13 would acquire, keep and bear arms for, among other lawful purposes, self-  
14 defense in my home.

15 10. Attached are true and correct copies<sup>1</sup> of the following documents:

- 16 a. Correspondence dated August 1, 2011 documenting the reasons for  
17 denying my purchase of firearms.  
18 b. My pleadings and order under PC § 1203.4.

19 I declare under penalty of perjury under the laws of the State of California  
20 and the laws of the United States that the forgoing is true and correct and that this  
21 declaration was executed in the State of California.

22 /s/ Vernon Newman

23 VERNON NEWMAN, Plaintiff  
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28 <sup>1</sup> These documents were provided to the Defendants as part of Plaintiffs'  
FRCP 26 Disclosures.

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ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45  
AND LOCAL RULE VIII.B.

I, Donald Kilmer, declare under penalty of perjury under the laws of California and the United States that I have in my possession e-mail correspondence from my client VERNON NEWMAN that the content of this document is acceptable to all persons required to sign the document. I declare that this document was signed in San Jose, CA on December 14, 2011.

/s/ Donald Kilmer

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Donald Kilmer, for Plaintiffs