

BENBROOK LAW GROUP, PC
BRADLEY A. BENBROOK (SBN 177786)
STEPHEN M. DUVERNAY (SBN 250957)
400 Capitol Mall, Suite 1610
Sacramento, CA 95814
Telephone: (916) 447-4900
Facsimile: (916) 447-4904

EUGENE VOLOKH (SBN 194464)
UCLA School of Law
405 Hilgard Ave.
Los Angeles, CA 90095
Telephone: (310) 206-3926
Facsimile: (310) 206-7010
volokh@law.ucla.edu

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

TRACY RIFLE AND PISTOL LLC;
MICHAEL BARYLA; TEN PERCENT
FIREARMS; WESLEY MORRIS;
SACRAMENTO BLACK RIFLE, INC.;
ROBERT ADAMS; PRK ARMS, INC.; and
JEFFREY MULLEN,

Plaintiffs,

v.

KAMALA D. HARRIS, in her official capacity
as Attorney General of California; and
STEPHEN J. LINDLEY, in his official capacity
as Chief of the California Department of Justice
Bureau of Firearms,

Defendants.

Case No.: 2:14-cv-02626-TLN-DAD

**DECLARATION OF DEAN ROWDEN IN
SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date: January 29, 2015
Hearing Time: 2:00 p.m.
Judge: Hon. Troy L. Nunley
Courtroom 2, 15th Floor
Action Filed: Nov. 10, 2014

1 I, Dean Rowden, declare:

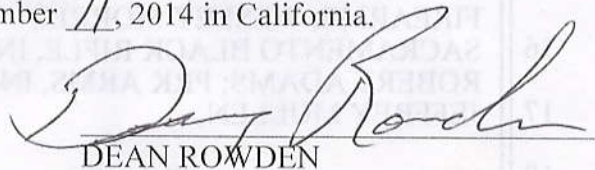
2 1. I have personal knowledge of the matters set forth in this declaration, and would be
3 able to testify competently to these facts if called as a witness.

4 2. I am the Chief Financial Officer of Ten Percent Firearms.

5 3. I was working at the dealership when the DOJ Bureau of Firearms inspected Ten
6 Percent Firearms in February 2010. At the time of the inspection, there was a 3-foot by 2-foot
7 three-dimensional metal sign shaped like a revolver, hung approximately 9 feet off the ground on a
8 post in the dealership's parking lot.

9 4. Bob Berthold, the DOJ inspector, informed me that the sign was a violation of the
10 penal code and that the business could be shut down because of it. Mr. Berthold also said that he
11 would not cite the dealership for the violation if we removed the sign before he completed the
12 inspection, so I directed one of our employees to remove the sign. Even though we promptly
13 removed the sign, the Mr. Berthold cited us for violating the handgun advertising ban.

14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct. Executed November 11, 2014 in California.

16
17 
18 DEAN ROWDEN
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
Case No. 2:14-cv-02626-TLN-DAD

The undersigned hereby certifies as follows:

I am an employee of the law firm of Benbrook Law Group, PC, 400 Capitol Mall, Suite 1610, Sacramento, California. I am over 18 years of age and am not a party to the within action.

On November 17, 2014 I served a true copy of the following document:

DECLARATION OF DEAN ROWDEN IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

on the party(ies) in this action by placing a true copy thereof in a sealed envelope(s), addressed as follows:

Kamala D. Harris Attorney General of California 1300 I Street Sacramento, CA 95814	Stephen J. Lindley California Department of Justice Bureau of Firearms 1300 I Street Sacramento, CA 95814
---	---

 (BY OVERNIGHT DELIVERY) I placed each such sealed envelope, with delivery fees provided for, for collection and overnight delivery at Benbrook Law Group, PC, Sacramento, California following ordinary business practices. I am readily familiar with the practice of Benbrook Law Group, PC for collection and processing of correspondence for overnight delivery, said practice being that in the ordinary course of business, correspondence is deposited in the facility regularly maintained by the express services carrier the same day as it is placed for collection.

XX (BY MAIL) I placed such sealed envelope, with postage fully prepaid for first-class mail, for collection and mailing at Benbrook Law Group, PC, Sacramento, California following ordinary business practices. I am readily familiar with the practice of Benbrook Law Group, PC for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

 (PERSONAL SERVICE) by sending a true copy thereof in an envelope addressed as indicated above, and by then sealing said envelope(s) and giving the same to a messenger for personal delivery.

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

Dated: November 17, 2014

/s/ Kelly McConnen
Kelly McConnen