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14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 FIRST UNITARIAN CHURCH OF LOS
 18 ANGELES, *et al.*,
 19 Plaintiffs,
 20 v.
 21 NATIONAL SECURITY AGENCY, *et al.*,
 22 Defendants.

Case No: 3:13-cv-03287 JSW

**DECLARATION OF JAY
 JACOBSON FOR THE FRANKLIN
 ARMORY IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 PARTIAL SUMMARY JUDGMENT**

Date: February 7, 2014
 Time: 9:00 A.M.
 Hon. Jeffrey S. White
 Courtroom 11 - 19th Floor

1 I, JAY JACOBSON, hereby declare:

2 1. I am the President of Franklin Armory. The facts contained in the following affidavit
3 are known to me of my own personal knowledge, and if called upon to testify, I could and would
4 competently do so.

5 2. Our organization designs, manufactures, and distributes firearms for resale through
6 our dealer network in the commercial marketplace.

7 3. The collection of our phone records by the government is an unreasonable harassment
8 and an interference of our legal business enterprise. Furthermore, our customers are now less likely
9 to contact Franklin Armory for warranty repairs, customer service information, and/or price quotes
10 because the simple act of contacting us will identify the caller as a likely gun owner. Undoubtedly
11 this scenario has had a chilling effect on all of our customers and has led to an unnecessary
12 constriction of information exchange between us (the manufacturer) and our end-user customers.

13 4. We know that we have been harmed by the NSA's activities because we have had
14 customers articulate that they will be more careful about who they call and when so that they may
15 avoid being targeted and identified as a gun owner. Undoubtedly, the government's actions have
16 had a chilling effect. Concurrently, we have noticed that phone calls to our facility have decreased
17 by over 70%. Even considering market conditions and a traditional summertime lull, the decrease in
18 call volume is notable.

19 5. We have also had customers on Facebook take a public stand against the actions of
20 the NSA. The customer responses have invariably been grounded in Constitutional arguments.
21 Undoubtedly, these patriotic customers realize that they have overtly posted dissenting comments on
22 a public forum, but in doing so, they have brought up important points. One customer noted that he
23 has already lost the ability to remain an unidentified gun owner. Another pointed out that the NSA is
24 operating in derogation of the Firearm Owners Protection Act as well as the Constitution. No one
25 has voiced support for the NSA's actions.

26 6. Our telephone service provider is Verizon Business.
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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on October __, 2013 at Minden, Nevada.

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JAY JACOBSON

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 29, 2013 at Minden, Nevada.


JAY JACOBSON