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16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18	Ivan Peña, et al.,)	Case No. 2:09-CV-01185-KJM-CKD
19	Plaintiffs,)	
20)	<u>DECLARATION OF THOMAS</u>
21	v.)	
22)	In Support of Plaintiffs' Motion
23	Stephen Lindley,)	For Summary Judgment
24	Defendant.)	
25	_____)	

26 I, Brett Thomas, am competent to state, and to declare the following based on my personal
27 knowledge:

- 28 1. I am a citizen of the United States and the State of California.
- 29 2. I am a member of the Second Amendment Foundation and a supporter of their
30 activities.
- 31 3. I am a board member of the CalGuns Foundation, Inc. and a supporter of their
32 activities.

1 4. The handgun at issue in *District of Columbia v. Heller*, 554 U.S. 570 (2008), was a
2 High Standard 9-shot revolver in .22 with a 9.5" Buntline-style¹ barrel.

3 5. I sought to purchase an identical High Standard 9-shot revolver in .22 with a 9.5"
4 Butline-style barrel, and has identified a willing seller who stands ready to deliver said handgun to
5 me.

6 6. I cannot lawfully purchase and take possession of the handgun as that handgun is not
7 on the California Handgun Roster.

8 7. I fear arrest, prosecution, fine and incarceration if I complete this handgun purchase.

9 8. I am a law-abiding citizens, shooting enthusiast and gun collector. I would acquire
10 new semiautomatic handguns of the kind in common use throughout the United States, for
11 traditional lawful purposes including self-defense, but cannot do so owing to California's rostering
12 scheme.

13 9. Based on my experiences as a gun owner and collector, I know that California's
14 handgun rostering scheme substantially limits commerce in unrostered handguns, since no dealer
15 can stock these firearms. This results in a significant loss of choice and price competition.

16 10. I am also aware through my activities as a hobbyist and lawful gun owner that
17 transporting and transferring firearms from out-of-state dealers, that would be unnecessary if the
18 firearms were available for sale in California, increases the costs of acquiring firearms for self-
19 defense. The fact that California firearms dealers cannot sell the High Standard 9 shot .22 revolver
20 with a 9.5" Buntline-style barrel to the public greatly limits my access to this handgun, reduces price
21 competition for it, and would cause me to expend money I would otherwise not spend in shipping the
22 handgun from out of state and then transferring it through an in-state dealer, even were that legal.

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28 ¹ A "Buntline" is a Western-style extra-long barrel revolver, named for 19th-century
novelist Ned Buntline who was said to commission such guns for famous
personalities of the day.

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

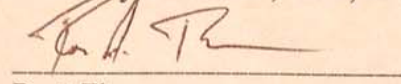
Executed this the 24th day of October, 2013, in California.

Brett Thomas

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