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

Ivan Peña, et al.,) Case No. 2:09-CV-01185-KJM-CKD
Plaintiffs,)
)
v.)
)
Stephen Lindley,)
Defendant.)
_____)

DECLARATION OF MICHAEL FIFER

I, Michael O. Fifer, am competent to state, and to declare the following based on my personal knowledge:

1. I am the Chief Executive Officer of Sturm, Ruger & Co., Inc. ("Ruger"), one of the nation's leading firearms manufacturers. The only full-line manufacturer of American-made firearms, Ruger offers consumers over 300 variations of more than 30 product lines.

2. Semi-automatic handguns are arms of the kind in common use for traditional lawful purposes throughout the United States, and have been for quite some time. Last year, Ruger sold hundreds of thousands of semi-automatic handguns for delivery to responsible, law-abiding American adults in all 50 states.

1 3. Ruger offers semi-automatic handguns both with and without loaded-chamber
2 indicators and magazine disconnect devices. Two of our most popular semi-automatic pistols, the
3 LCP® and SR1911®, are not equipped with these devices and therefore are not available for sale
4 to traditional consumers in California (as opposed to law enforcement or other groups selected
5 for special treatment under the regulations). Semi-automatic handguns without loaded-chamber
6 indicators and magazine disconnect devices are widely used by traditional consumers in almost
7 all states for a wide range of typical lawful purposes.
8

9 4. Like virtually all manufacturers, Ruger constantly improves its products and
10 manufacturing processes to take advantage of innovations, to meet ever-changing consumer
11 tastes and demands, and to remain competitive. Under the CA DOJ's interpretation and
12 implementation of the California statute, any design, material, or manufacturing process
13 modification made to a semi-automatic handgun model, no matter how small, requires that the
14 model be resubmitted for roster testing in order to be offered for sale in California, even if it has
15 no impact on the function of the handgun. As of May 17, 2013, any semi-automatic handgun
16 submitted for roster testing must also comply with California's microstamping regime.
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19 5. Handguns, once listed, may remain grandfathered on the roster only if there are no
20 changes whatsoever to the handgun, excepting purely cosmetic changes. As a practical matter, no
21 manufacturer can support one set of handgun models whose designs are frozen as of May 17,
22 2013 for one state - even a large state like California - while continuing to innovate and improve
23 products for the rest of the country. To attempt to do so would create an undue economic burden
24 for the manufacturer and would likely render it uncompetitive in the broader United States
25 market.
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28 6. There is no workable microstamping technology today, and Ruger believes that
California's microstamping regulations make compliance impossible. Quite simply, the state law

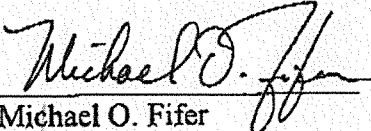
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2 requires the technology to perform at a level that Ruger cannot practically implement and, to our
3 knowledge, has never been achieved by any manufacturer. As it appears infeasible to comply
4 with the CA DOJ microstamping regulations, Ruger does not have any ability or plans to
5 incorporate microstamping in its semi-automatic handguns, and cannot forecast when, if ever, it
6 would be able to do so.
7

8 7. Accordingly, the microstamping requirement is now forcing Ruger to cease semi-
9 automatic handgun sales in California as its handguns are forced off the roster. As of this writing,
10 thirty Ruger semi-automatic handgun models remain on California's roster. The last of these will
11 expire on September 15, 2014, and no Ruger semi-automatic handguns can or will be added to
12 the roster unless the microstamping requirement is rescinded.
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14 8. Upon information and belief, since California's microstamping requirement went
15 into effect, no semi-automatic handgun model submitted for testing by any manufacturer has
16 been added to the roster. .
17

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

19 Executed this the 25 day of January, 2014.

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22 Michael O. Fifer
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