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

15	Ivan Peña, et al.,	)	Case No. 2:09-CV-01185-FCD-KJM
		)	
16	Plaintiffs,	)	DECLARATION OF BRETT THOMAS
		)	IN SUPPORT OF MOTION FOR
17		)	SUMMARY JUDGMENT
		)	[Fed. R. Civ. P. 56]
18	v.	)	
		)	
19	Wilfredo Cid,	)	Date: Oct. 2, 2009
		)	Time: 10:00 a.m.
20	Defendants.	)	Dept: 2, 15 <sup>th</sup> Floor
		)	Judge: Frank C. Damrell, Jr.
21		)	Trial Date: None
		)	Action Filed: April 30, 2009

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23  
24 **DECLARATION OF BRETT THOMAS**

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.

1 2. I am a member of the Second Amendment Foundation and a supporter of their  
2 activities.

3 3. I am a board member of the CalGuns Foundation, Inc. and a supporter of their  
4 activities.

5 4. The handgun at issue in *District of Columbia v. Heller*, 128 S. Ct. 2783 (2008), was a  
6 High Standard 9-shot revolver in .22 with a 9.5" Buntline-style<sup>1</sup> barrel.


7 5. I seek to purchase an identical High Standard 9-shot revolver in .22 with a 9.5" Buntline-  
8 style barrel, and have identified a willing seller who stands ready to deliver said handgun to me.

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

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

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

13 Executed this the 1st day of September, 2009.

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15 \_\_\_\_\_

16 Brett Thomas

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