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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,)	
)	<u>DECLARATION OF PEÑA</u>
v.)	
)	In Support of Plaintiffs' Motion
Stephen Lindley,)	For Summary Judgment
Defendant.)	
_____)	

I, Ivan Peña, am competent to state, and to declare the following based on my personal knowledge:

1. I am a citizen of the United States and the State of California.
2. I am a member of the Second Amendment Foundation and a supporter of their activities.
3. I am a board member of the CalGuns Foundation, Inc. and a supporter of their activities.
4. I sought to purchase a Para USA (Para Ordnance) P1345SR / Stainless Steel .45 ACP 4.25", and identified a willing seller who stands ready to deliver said handgun to me.

1 5. The Para USA P1345SR I sought to purchase was listed on California's Handgun
2 Roster until December 31, 2005, when it was discontinued and its listing not renewed.

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

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

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

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

15 10. I am also aware through my activities as a hobbyist and lawful gun owner that
16 transporting and transferring firearms from out-of-state dealers, that would be unnecessary if the
17 firearms were available for sale in California, increases the costs of acquiring firearms for self-
18 defense. The fact that California firearms dealers cannot sell the Para USA P1345SR to the public
19 greatly limits my access to this handgun, reduces price competition for it, and would cause me to
20 expend money I would otherwise not spend in shipping the handgun from out of state and then
21 transferring it through an in-state dealer, even were that legal.
22

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

24 Executed this the 24th day of October, 2013, in San Francisco, California.
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26 _____
Ivan Peña
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