

1 Alan Gura (Calif. Bar No. 178221)
Gura & Possessky, PLLC
2 101 N. Columbus St., Suite 405
Alexandria, VA 22314
3 703.835.9085/Fax 703.997.7665

4 Donald E.J. Kilmer, Jr. (Calif. Bar No. 179986)
Law Offices of Donald Kilmer, A.P.C.
5 1645 Willow Street, Suite 150
San Jose, CA 95125
6 408.264.8489/Fax 408.264.8487

7

8

IN THE UNITED STATES DISTRICT COURT

9

FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11

Adam Richards, et al.,

) Case No. 2:09-CV-01235-MCE-KJM

12

Plaintiffs,

) DECLARATION OF PLAINTIFF

13

v.

) BRETT STEWART IN SUPPORT OF

) MOTION FOR SUMMARY

14

Ed Prieto, et al.,

) JUDGMENT

15

Defendants.

) Fed. R. Civ. Proc. 56

16

17

I, Brett Stewart, am competent to state, and declare the following based on my personal

18

knowledge:

19

1. I am a law abiding resident of Yolo County.

20

2. I am authorized and qualified under Federal and State law to purchase and possess

21

firearms.

22

3. I seek to exercise my Second Amendment right to carry a handgun for personal

23

protection. I seek a handgun carry permit so that I might protect myself and my family.

24

However, I have received no threats of violence and I'm unaware of any specific threat to

25

me or my family.

26

4. On January 31, 2010, I completed the basic course required to obtain a concealed

27

handgun carry permit. Exhibit C is a true and correct copy of my training certificate.

28

1 5. On March 17, 2010, I applied to Davis Police Chief Lanny Black for a permit to carry a
2 handgun. On March 18, 2010, Black denied my application for a permit to carry a
3 handgun, stating that for budgetary reasons his department no longer processes handgun
4 carry permit applications, and suggested that I seek a permit from Sheriff Prieto.

5 6. On March 23, 2010, I applied to Sheriff Prieto for a permit to carry a handgun. On April
6 27, 2010, I was informed that my application was denied, because "the reasons listed in
7 your application do not meet the criteria in our policy." Exhibit D is a true and correct
8 copy of the letter I received from Sheriff Prieto denying my application for a handgun
9 carry license.

10 7. I fear arrest, prosecution, fines and imprisonment were I to carry a handgun without a
11 permit. But for the lack of a permit to do so, I would carry a handgun in public for self-
12 defense.

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

14 Executed this 12th day of January, 2011

15 
16 _____
17 Brett Stewart

18
19
20
21
22
23
24
25
26
27
28