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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

- - -

JEFF SILVESTER, MICHAEL POESCHL, )  
BRANDON COMBS, THE CALGUNS )  
FOUNDATION, INC., a non-profit )  
organization, and THE SECOND )  
AMENDMENT FOUNDATION, INC., a )  
non-profit organization, )

Plaintiffs, )

vs. )

KAMALA HARRIS, Attorney General )  
of California (in her official )  
capacity), and DOES 1 TO 20, )

Defendants. )

Case No.  
1:11-CV-02137

-----)

30 (b) (6) DEPOSITION OF  
THE SECOND AMENDMENT FOUNDATION, INC.  
BY AND THROUGH ALAN MERRIL GOTTLIEB  
LOS ANGELES, CALIFORNIA

MAY 14, 2013

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Reported by: Aileen Neitzert, RDR, CRR, CSR No. 5318

File No.: A703C3E

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capacity), and DOES 1 TO 20, )

Defendants. )

Case No.  
1:11-CV-02137

-----)

30(b)(6) Deposition of The Second Amendment  
Foundation, Inc., by and through ALAN MERRIL GOTTLIEB,  
taken on behalf of the Defendant, at 300 South Spring  
Street, South Tower, Sixth Floor, Los Angeles,  
California, commencing at 9:30 a.m., Tuesday, May 14,  
2013, before Aileen Neitzert, CSR No. 5318.

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

OTTEN & JOYCE, LLP  
BY: VICTOR J. OTTEN, ATTORNEY AT LAW  
3620 Pacific Coast Highway  
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Torrance, California 90505  
(310) 378-8533

FOR THE DEFENDANT:

STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
BY: JONATHAN M. EISENBERG, DEPUTY ATTORNEY GENERAL  
300 South Spring Street  
Suite 1702  
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(213) 897-6505

STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
BY: KIMBERLY GRANGER, DEPUTY ATTORNEY GENERAL  
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Suite 1700  
Sacramento, California 95814-2919  
(916) 445-9555  
(present by teleconference)

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ALAN MERRIL GOTTLIEB,  
having first been duly sworn, was  
examined and testified as follows:

EXAMINATION

BY MR. EISENBERG:

Q. Hi. My name is Jonathan Eisenberg. I'm a  
deputy attorney general in the office of the California  
Attorney General, and I represent the Attorney General  
Kamala D. Harris in the lawsuit for which we're here  
today, Silvester v. Harris.

Would you please state your full name for the  
record, sir, and spell your last name.

A. Alan Merril Gottlieb. Last name is  
G-o-t-t-l-i-e-b, like in boy.

Q. Actually, may I ask you to spell your first  
name and your middle name as well, please.

A. A-l-a-n, M-e-r-r-i-l.

Q. Have you ever been deposed before?

A. Yes.

Q. How many times have you been deposed before?

A. Four or five.

Q. Have you been deposed before in a case  
involving gun rights?

A. Yes.

1 to you that I have, but there is a large probability  
2 that I have.

3 Q. You've obviously read a lot of publications  
4 about firearms and firearms laws.

5 A. Yes.

6 Q. And it's that background that's making you  
7 think that you probably read this publication?

8 A. Correct.

9 Q. Can you recall the last time you saw it, this  
10 publication?

11 A. No, I can't.

12 MR. EISENBERG: If we could mark the following  
13 exhibit next in order, please, which I think is 14.

14 (Defendant's Exhibit 14 was marked for  
15 identification.)

16 Q. BY MR. EISENBERG: Have you ever seen this  
17 document before?

18 A. Yes.

19 Q. Before just now?

20 A. Yes.

21 Q. When was the first time you saw it?

22 A. I can't remember the first time I saw it, but  
23 it would have been obviously after the date of it being  
24 issued.

25 Q. Have you looked at it more than once before?

1 A. Yes.

2 Q. Did you look at this document in preparing for  
3 today's deposition?

4 A. Yes, actually, I did. So there is two  
5 documents I looked at. Correct a further statement.  
6 You asked what I looked at, and I said that I looked at  
7 the responses. And I've also now looked at this one.

8 Q. You see starting at page 2 there is a list of  
9 topics that are numbered. They go from 1 to 17.

10 A. Got it.

11 Q. Do you understand that you are here to testify  
12 about all of these topics?

13 A. Yes.

14 Q. Do you understand that there is nobody else  
15 from The Second Amendment Foundation that's designated  
16 to speak about these topics?

17 A. Correct.

18 Q. I will have you look at page 3, topic 9. Does  
19 The Second Amendment Foundation have a position or an  
20 opinion about what the California Legislature's intent  
21 was in enacting Penal Code Section 26815 and 27540,  
22 which is the ten-day-waiting-period laws?

23 A. Yes.

24 Q. What is Second Amendment Foundation's  
25 understanding in that regard?

1           A.     Well, our understanding and opinion is that it  
2 was proposed basically for a couple reasons. One was a  
3 cooling-off period between the time a person would buy  
4 a gun and pick it up. So I don't know if they were  
5 thinking of buying a gun to do something evil with it  
6 that they would have time to calm down. And the other  
7 one was to try and retard and make it harder to  
8 purchase firearms so that less firearms would be sold.

9           Q.     What's the basis for Second Amendment  
10 Foundation's position that the Legislature was trying  
11 to retard the -- I guess the supply of firearms in  
12 circulation in California?

13          A.     A lot of antigun rights groups has supported  
14 the legislation and a lot of politicians have supported  
15 and made comments of that nature.

16          Q.     Are there any members of the Legislature that  
17 made comments of that nature of which The Second  
18 Amendment Foundation is aware?

19          A.     Probably, but it goes back awhile and I can't  
20 off the top of my head tell you what those are. You  
21 could probably find them on the Internet.

22          Q.     Does The Second Amendment Foundation have a  
23 copy of the legislative history of either California  
24 Penal Code Section 26815 or 27540?

25          A.     Good question. Possibly in our files we might.

1 Q. You don't know for sure as you sit here?

2 A. No.

3 Q. If you wanted to find out, what would you do to  
4 find out if The Second Amendment Foundation has a copy  
5 of the legislative history of either of those statutes?

6 A. Well, two things: I'd probably, one, try to go  
7 through old files and see if we have it. And the other  
8 thing I would do is there is a person in the California  
9 Legislature who writes all the gun bills and has  
10 written them over the years that I would call up and  
11 probably get it to me quicker.

12 Q. Who is that person?

13 A. I'd rather not disclose the name. Somebody's  
14 private --

15 MR. OTTEN: What was the question?

16 Q. BY MR. EISENBERG: It's somebody who works for  
17 the Legislature --

18 A. Um-hum.

19 Q. -- you mentioned --

20 A. Um-hum.

21 Q. -- who supplies information -- has supplied  
22 information to The Second Amendment Foundation?

23 A. Um-hum.

24 Q. Who is that person?

25 MR. OTTEN: I'm going to object. That involves