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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 ESPANOLA JACKSON, PAUL COLVIN,) **CASE NO. C09-2143-RS**
THOMAS BOYER, LARRY BARSETTI,)
12 DAVID GOLDEN, NOEMI MARGARET) **DECLARATION OF THOMAS BOYER IN**
ROBINSON, NATIONAL RIFLE) **SUPPORT OF MOTION TO DISMISS**
13 ASSOCIATION OF AMERICA, INC., SAN) **PLAINTIFF THOMAS BOYER**
FRANCISCO VETERAN POLICE)
14 OFFICERS ASSOCIATION,) Date:
Plaintiffs) Time: 1:30 p.m.
15) Place: Courtroom 3 - 17th Floor
450 Golden Gate Ave.
16 vs.) San Francisco, CA 94102
17)
CITY AND COUNTY OF SAN)
FRANCISCO, THE MAYOR OF)
18 SAN FRANCISCO, AND THE CHIEF)
OF THE SAN FRANCISCO POLICE)
19 DEPARTMENT, in their official capacities,)
and DOES 1-10,)
20 Defendants.)
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DECLARATION OF THOMAS BOYER

I, Thomas Boyer, declare as follows:

1. I, Thomas Boyer, am a plaintiff in the above-entitled action. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. On or around December 16, 2011, during the preparation of my responses to defendants’ written interrogatories, I became concerned that the types of questions posed by defendants would expose to the government information that I consider personal and sensitive, including, among other things, the types and number of firearms I own. At the time, I was particularly concerned about requests for an itemized list of all firearms and ammunition that I have possessed at any point and for any duration since 2007. I worked with my attorneys to provide responses to defendants’ written interrogatories, and I reviewed my attorneys’ objections to the same. Based on my attorneys’ objections to the City’s written discovery, I was then satisfied for the time that my sensitive, personal information would remain secure, and I elected to remain a party to this lawsuit.

3. Following my participation in litigation against the City and County of San Francisco (“the City”), I have faced harassment from the City and its agents. I reasonably believe that harassment to have been motivated by my participation in other litigation against the City. I fear further retaliation from the City and/or its agents in connection with my participation in this lawsuit, and I no longer wish to involve myself in this case.

4. On or about September 12, 2012, to avoid further retaliation by the City and/or its agents as a result of the release of my sensitive, personal information to the government and as a result of my ongoing participation in this lawsuit, I requested that my attorneys seek dismissal of my claims against all defendants.

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1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 ESPANOLA JACKSON, PAUL COLVIN,) CASE NO.: CV-09-2143-RS
5 THOMAS BOYER, LARRY BARSETTI,)
6 DAVID GOLDEN, NOEMI MARGARET)
7 ROBINSON, NATIONAL RIFLE) CERTIFICATE OF SERVICE
8 ASSOCIATION OF AMERICA, INC., SAN)
9 FRANCISCO VETERAN POLICE)
10 OFFICERS ASSOCIATION,)
11 Plaintiffs)
12 vs.)
13 CITY AND COUNTY OF SAN)
14 FRANCISCO, THE MAYOR OF)
SAN FRANCISCO, AND THE CHIEF)
OF THE SAN FRANCISCO POLICE)
DEPARTMENT, in their official capacities,)
and DOES 1-10,)
Defendants.)

15 IT IS HEREBY CERTIFIED THAT:

16 I, the undersigned, am a citizen of the United States and am at least eighteen years of age.
17 My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

18 I am not a party to the above-entitled action. I have caused service of

19 **DECLARATION OF THOMAS BOYER IN SUPPORT OF
20 MOTION TO DISMISS PLAINTIFF THOMAS BOYER**

21 on the following party by electronically filing the foregoing with the Clerk of the District Court
22 using its ECF System, which electronically notifies them.

23 Wayne Snodgrass, Deputy City Attorney
24 Christine Van Aken, Deputy City Attorney
25 Office of the City Attorney
26 1 Drive Carlton B. Goodlett Place
27 City Hall, Room 234
28 San Francisco, CA 94102

29 I declare under penalty of perjury that the foregoing is true and correct. Executed on
30 October 3, 2012.

31 /s/ C. D. Michel
32 C. D. Michel
33 Attorney for Plaintiffs