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15 David Borges, and Loran Kelley

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **FOR THE COUNTY OF LOS ANGELES**

18 THE PEOPLE OF THE STATE OF CALIFORNIA,

19 Plaintiffs,

20 vs.

21  
22 POLYMER80, INC., a Nevada Corporation;  
23 DAVID BORGES, an individual; LORAN  
KELLEY, an individual,

24 Defendants.  
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**Case No. 21STCV06257**

[Related to Case No. 21STCV29196]

*[Assigned for all purposes to the Hon. Daniel  
S. Murphy, Department 32]*

**DECLARATION OF MICHAEL  
MARRON IN SUPPORT OF  
DEFENDANTS' MOTION FOR A STAY**

Date: May 19, 2023  
Time: 8:30 a.m.  
Department: 32  
Reservation ID: 305522480553

Complaint Filed: February 17, 2021  
Trial Date: May 30, 2023



1           8.       The chamber load indicator, magazine disconnect mechanism, and microstamping  
2 provisions are unconstitutional as applied to Defendants in this case. *See Teixeira v. Cnty. of Alameda*  
3 (9th Cir. 2017) 873 F.3d 670, 678 (holding “would-be operator of a gun store” could “assert the  
4 subsidiary right to acquire arms on behalf of his potential customers”); *Jackson v. City & Cnty. of San*  
5 *Francisco* (9th Cir. 2014) 746 F.3d 953, 967–68 (holding the Second Amendment protects rights  
6 attendant to the “right to keep and bear arms”).

7           9.       The determinations of unconstitutionality and pending appeals over those  
8 determinations constitute good cause for a stay of the trial setting and otherwise justify the Court’s  
9 exercise of its inherent authority to stay proceedings. Defendants should not, and indeed cannot, be  
10 subjected to liability based on held-to-be unconstitutional California firearms statutory provisions.

11          10.       A stay will spare both the Court and the parties from wasting valuable resources and  
12 will entail a delay only to the extent necessary to ensure that Plaintiffs’ case does not depend on  
13 unconstitutional and unenforceable firearms laws.

14           I declare under penalty of perjury under the laws of the State of California that the foregoing  
15 is true and correct and that this declaration was executed on April 27, 2023, in New York City, New  
16 York.

17           DATED: April 27, 2023

GREENSPOON MARDER LLP

18  
19           By: \_\_\_\_\_

  
MICHAEL MARRON

Attorney for Defendants Polymer80, Inc., David  
Borges, and Loran Kelley

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**PROOF OF SERVICE**

*The People of The State of California vs. Polymer80, Inc., David Borges, Loran Kelley*  
Case No. 21STCV06257

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

I am employed in the County of Jefferson, State of Alabama. I am over the age of eighteen years and not a party to this action. My business address is 1819 5th Avenue N, Birmingham, AL 35203. On April 27, 2023, I served true and correct copies of the following document(s) described as **DECLARATION OF MICHAEL MARRON IN SUPPORT OF DEFENDANTS’ MOTION FOR A STAY** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address clamar@bradley.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 27, 2023, at Birmingham, Alabama.

/s/ W. Chadwick Lamar, Jr.  
W. Chadwick Lamar, Jr.

1 **SERVICE LIST**

2 *The People of The State of California vs. Polymer80, Inc., David Borges, Loran Kelley*  
3 *Case No. 21STCV06257*

4 **OFFICE OF THE LOS ANGELES CITY**  
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