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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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28

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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
JUDGMENT ON THE PLEADINGS**

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 **DECLARATION OF MICHAEL MARRON IN SUPPORT OF DEFENDANTS’**
2 **MOTION FOR JUDGMENT ON THE PLEADINGS**

3 I, Michael Marron, declare as follows

4 1. I am Senior Counsel with the law firm of Greenspoon Marder LLP, an attorney at law
5 duly licensed to practice in all of the Courts of the State of New York, and admitted *pro hac vice* to
6 appear in this action on behalf of Defendants Polymer80, Inc., David Borges, and Loran Kelley. I
7 respectfully submit this declaration in support of Defendants’ Motion for Judgment on the Pleadings.

8 2. I have personal knowledge of the facts set forth herein. If called and sworn as a witness,
9 I could and would competently testify as to those facts.

10 3. Defendants have contemporaneously moved for judgment on the pleadings under Code
11 of Civil Procedure § 438 and California common law, as well as for a stay pending the Ninth Circuit’s
12 resolution of the constitutionality of California firearms statutory provisions Plaintiff seeks to enforce
13 against Defendants in this case.

14 4. In compliance with Code of Civil Procedure § 439, counsel for all parties met and
15 conferred about the bases for Defendants’ motion for judgment on the pleadings via telephone on April
16 25, 2023. The parties did not reach an agreement resolving the claims raised by the motion for
17 judgment on the pleadings.

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

21 DATED: April 27, 2023

GREENSPOON MARDER LLP

22 
23 By: _____

MICHAEL MARRON

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

1 **PROOF OF SERVICE**

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

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

6 I am employed in the County of Jefferson, State of Alabama. I am over the age of eighteen
7 years and not a party to this action. My business address is 1819 5th Avenue N, Birmingham, AL
8 35203. On April 27, 2023, I served true and correct copies of the following document(s) described as
9 **DECLARATION OF MICHAEL MARRON IN SUPPORT OF DEFENDANTS’ MOTION**
10 **FOR JUDGMENT ON THE PLEADINGS** on the interested parties in this action as follows:

11 **SEE ATTACHED SERVICE LIST**

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

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

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

20 */s/ W. Chadwick Lamar, Jr.*
21 _____
22 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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