

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
Palm Beach Division**

LARRY KLAYMAN

Plaintiff,

v.

The Honorable BARACK OBAMA
President of the United States

and

The Honorable THOMAS E. BRANDON
Deputy Director of the U.S. Department of Justice,
Head of the Bureau of Alcohol, Tobacco and Firearms

and

The Honorable LORETTA LYNCH
U.S. Attorney General

and

THE UNITED STATES OF AMERICA

Defendants.

Case No. 9:16-cv-80087-DMM

DECLARATION OF JONATHON MOSELEY

**AUTHENTICATING EXHIBITS ATTACHED TO PLAINTIFF'S
STATEMENT OF UNDISPUTED MATERIAL FACTS (SUMF)**

IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Pursuant to 28 U.S.C. §1746, I, Jonathon Moseley, hereby declare under penalty of perjury that the following is true and correct:

- 1) I am over the age of 18 years old and mentally and legally competent to make this affidavit sworn under oath.
- 2) I am an attorney admitted to and in good standing in the courts of Virginia.
- 3) I participate in this case as legal support for the counsel of record, Larry Klayman. Larry Klayman is appearing in the case and is licensed in this jurisdiction.
- 4) I researched the public documents and statements of the Defendants in this case in regard to their new programs and initiatives, which at times at least the Defendants have labeled as President Barack Obama's "**New Executive Actions to Reduce Gun Violence and Make Our Communities Safer**" issued to the public on January 4 and 5, 2016.
- 5) The Defendants held a series of public events, press conferences, speeches, presentations, and the like on both January 4 and 5, 2016, which all collectively served to present their changes to the law of gun control and firearms regulation to the public.
- 6) I found many documents and statements about the Defendants' "**New Executive Actions to Reduce Gun Violence and Make Our Communities Safer**" and have included only those examples which qualify, from my experience as an attorney, as admissions by a party opponent so as to be legally admissible evidence in court.
- 7) In addition, however, I found a tremendous amount of duplication and repetition of the statements by the Defendants and certify that the Plaintiff could present to the court dozens of statements, documents, press releases, speeches, and the like from the Defendants in addition to those submitted here, but they would be redundant.
- 8) For simplicity, in light of the tremendous redundancy in public statements, I

- determined that an excellent, representative sample of the Defendants' public statements are all concisely summarized in the January 5, 2016, Press Briefing by White House Press Secretary Josh Earnest, which is attached as Exhibit 2. However, despite the value of the concise presentation of most of the relevant facts, all of the important factual points found in Exhibit 2 are extensively repeated in many other statements, presentations, speeches, press releases, and the like by the Defendants.
- 9) I hereby certify from my research and review of the facts that:
- 10) I am very familiar with the internet, meticulous factual research on the internet, avoiding inauthentic sources on the website, and the distinction between official, original governmental sources on the website as opposed to painstakingly avoiding secondary sources in favor of the original governmental sources on the internet. I spent five years working for the U.S. Department of Education as a non-political, civil servant, and I am very familiar with official sources of information as opposed to unreliable sources to be avoided.
- 11) I retrieved Exhibit 1, which is attached, Fact Sheet, Office of the Press Secretary, Briefing Room, The White House, January 4, 2016, from the official White House (Executive Office of the President) website. I located this document by starting from the authentic, original, official White House website and avoided reliance on secondary sources to locate the document. This is the so-called "fact sheet" referred to by Press Secretary Josh Earnest and the journalists asking him questions during the January 5, 2016, press conference transcribed in Exhibit 2.
- 12) Exhibit 2 is a transcript of the Press Briefing occurring on January 5, 2016, in the Briefing Room of the White House (Executive Office of the President) which I

personally retrieved from the website of the White House (Executive Office of the President) and Exhibit 2 is a faithful and accurate copy of the transcript of the January 5, 2016, White House Briefing prepared and published by Defendant President Barack Obama through his agents in the Office of the Press Secretary who represent him.

13) I retrieved Exhibit 3, which is attached, Fact Sheet, from the official Bureau of Alcohol, Tobacco and Firearms (which is part of the U.S. Department of Justice) website. I located this document by starting from the authentic, original, official U.S. Department of Justice and ATF websites and avoided reliance on secondary sources to locate the document.

ATF Publication 5310.2 (January 2016), DO I NEED A LICENSE TO BUY AND SELL FIREARMS? Guidance to help you understand when a Federal Firearms License is required under federal law. U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, page 4, accessible at: <https://www.atf.gov/file/100871/download>

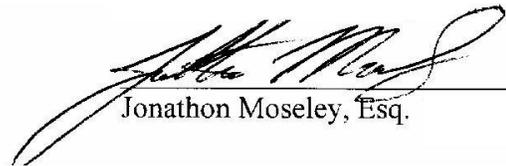
14) I retrieved Exhibit 4, which is attached, Fact Sheet, "Federal Firearms Regulations Reference Guide," 2005, ATF Publication 5300.4 from the official Bureau of Alcohol, Tobacco and Firearms (which is part of the U.S. Department of Justice) website. I located this document by starting from the authentic, original, official U.S. Department of Justice and ATF websites and avoided reliance on secondary sources to locate the document.

15) I retrieved Exhibit 5, which is attached DEPARTMENT OF HEALTH AND HUMAN SERVICES, Office of the Secretary, 45 CFR Part 164, Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule and the National Instant Criminal Background Check System (NICS),. I located this document by starting

from the authentic, original, official Federal Register website and avoided reliance on secondary sources to locate the document.

16) I retrieved Exhibit 6, which is attached, Federal Firearms Prohibition Under 18 U.S.C. 922(g)(4), Persons Adjudicated as a Mental Defective or Committed to a Mental Institution, May 2009, ATF Information 3310.4, from the official Bureau of Alcohol, Tobacco and Firearms (which is part of the U.S. Department of Justice) website. I located this document by starting from the authentic, original, official U.S. Department of Justice and ATF websites and avoided reliance on secondary sources to locate the document.

I hereby swear under oath and penalty of perjury that the foregoing facts are true and correct to the best of my knowledge and belief:



Jonathon Moseley, Esq.

Virginia State Bar No. 41058
3823 Wagon Wheel Lane
Woodbridge, Virginia 22192
Telephone: (703) 656-1230
Fax: (703) 783-0449
Email: Contact@Jonmoseley.com
*Staff Attorney as assistant for
Counsel of Record for Petitioner*