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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

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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. )

No. 1:11CV02137AWISKO

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

Defendants. )  
-----)

DEPOSITION OF  
BRANDON COMBS  
FRESNO, CALIFORNIA  
MAY 10, 2013

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
WWW.DEPO.COM

REPORTED BY: THERESA G. MENDOZA, CSR NO. 12338  
FILE NO.: A703C38

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of California (in her official )  
capacity:, and DOES 1 to 20, )

Defendants. )

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Deposition of BRANDON COMBS, taken on  
behalf of Defendants, at 2550 Mariposa Mall, Fresno,  
California, commencing at 8:51 a.m., Friday, May 10,  
2013 before Theresa G. Mendoza, CSR No. 12338.

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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, ESQUIRE  
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STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
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I N D E X

WITNESS: BRANDON COMBS

EXAMINATION	PAGE
BY MR. EISENBERG	5, 208
BY MR. OTTEN	206, 215

EXHIBITS

LETTER	PLAINTIFF'S DESCRIPTION	PAGE
	(NONE)	

NUMBER	DEFENDANTS' DESCRIPTION	PAGE
8 -	Interrogatory Responses	18
9 -	Calgun Web Post	201
10 -	Editorial	205

QUESTIONS WITNESS WAS INSTRUCTED NOT TO ANSWER:

(NONE)

INFORMATION TO BE SUPPLIED:

(NONE)

1 Q. Let me direct your attention to page 29,  
2 Interrogatory No. 16. That's at the bottom of the  
3 page, and then to the response is on the following  
4 page, page 30. If you could read the Interrogatory and  
5 the response, and then tell me when you're done.

6 A. Okay.

7 Q. Ready? So you make reference to something  
8 called opportunity cost or lost opportunity cost. What  
9 do you mean by a lost opportunity cost?

10 A. An opportunity cost in this would be time  
11 I could have spent on billable hours doing real work  
12 versus going to a gun store for a second trip.

13 Q. Isn't it true that everything that you do  
14 in your life where you're not billing time for work is  
15 a lost opportunity to bill time for work?

16 A. Perhaps.

17 Q. You detail expenses incurred due to having  
18 to make a second trip to a firearms dealer to obtain a  
19 firearm that you had purchased like ten days before,  
20 and you total up the expense to be approximately \$1500;  
21 do you see that reference there on line 10?

22 A. Yes, I do.

23 Q. Is that \$1500 lifetime?

24 A. Yeah. Accumulatively.

25 Q. How did you figure that amount, \$15,000?

1           A. Basically doing mileage to and from  
2 different dealers that I know I've gone to. I know  
3 what my fuel consumption is for my vehicle. All those  
4 sorts of actual direct costs that are measurable.

5           Q. Okay. So it does not include opportunity  
6 cost, or it does include opportunity cost?

7           A. Does not.

8           Q. Okay. And then there's a reference to a  
9 few lines down, line 14, \$100 in resubmission fees. Is  
10 that \$100 a lifetime total of the resubmission fees  
11 that you've had to pay?

12          A. Yes.

13          Q. How did you calculate that figure?

14          A. Those were just instances off the top of  
15 my head that I remembered where, I had to resubmit a  
16 DROS because I couldn't get the firearm -- let me pause.  
17 Because I couldn't take the firearm with me on the day  
18 it was purchased.

19          Q. Did you consult any written records to  
20 come up with the \$100 figure?

21          A. No, not for that.

22          Q. I'll ask the same question about the  
23 \$1500, did you consult any records to come up with that  
24 figure?

25          A. No.