



Lynchburg Range and Training Affidavit

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E-Signature Summary

E-Signature 1: Val W Finnell (vhf)

April 23, 2020 10:55:36 -5:00 [B07294AA7C1B] [74.111.165.26]
val.finnell@gunowners.org (Principal) (ID Verified)

E-Signature Notary: Bryan Ghingold (BG)

April 23, 2020 10:55:36 -5:00 [4847A1463155] [72.77.52.162]
bryan@steelcitynotary.com
I, Bryan Ghingold, did witness the participants named above electronically sign this document.



VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

**LYNCHBURG RANGE & TRAINING, LLC
d/b/a SafeSide Lynchburg,**

VIRGINIA CITIZENS DEFENSE LEAGUE,

GUN OWNERS OF AMERICA, INC.,

and

ASSOCIATION OF GUN RANGES OF VIRGINIA,

Plaintiffs,

Case No. CL20000333-00

v.

**HON. RALPH S. NORTHAM
(In his Official Capacity as
Governor of the Commonwealth of Virginia),**

and

**GARY T. SETTLE
(In his Official Capacity as
Superintendent of the Virginia State Police),**

Defendants.

AFFIDAVIT OF VAL W. FINNELL, MD, MPH

1. My name is Val W. Finnell, MD, MPH. I live at 1615 Pine Hollow Rd; McKees Rocks, PA 15136. I am actively licensed to practice medicine in the Commonwealth of Pennsylvania.

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Education and Training

2. I received my Doctor of Medicine from the Pennsylvania State University College of Medicine and my Master of Public Health from the Uniformed Services University of the Health Sciences.

3. I am a retired physician and hold a board certification in Anatomic/Clinical Pathology. Additionally, I was previously board certified in Preventive Medicine and Public Health from 2010-2020 and did not renew these boards due to my retirement.

4. I retired from the United States Air Force in the rank of colonel in 2016. During my military career, I served as the Chief of the Medical Staff and Public Health Emergency Officer for Los Angeles Air Force Base. I was tasked with managing the H1N1 pandemic during 2009-2010 and was part of the Federal Interagency Working Group in Los Angeles to address the government's influenza response. I coordinated the public health emergency response for the base, which included implementing social distancing guidelines and other infection control measures.

5. My experience includes conducting exercises for the military on multiple scenarios dealing with bioterrorism and emerging infectious diseases. This included an influenza tabletop exercise for the United States Navy at Seal Beach, CA. Additionally, I served as the Program Director for the Preventive Medicine residency program at the United States School of Aerospace Medicine from 2012-2014. I was also the Division Chief for the Applied Technology and Genomics Center from 2014-2016. The Center was tasked with the evaluation and development of new technology to identify infectious diseases of military and public health significance as part of its mission.

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6. I currently own my own consulting company, Heart Dominion, LLC d/b/a Grassfire Consulting. Grassfire Consulting is a government relations firm and is currently retained by Gun Owners of America, Inc. I also serve as the Pennsylvania Director for Gun Owners of America and have been in that capacity since April of 2019.

COVID-19 and Indoor Range Filtration

7. I have been closely following the COVID-19 pandemic since early January 2020 when I first heard of the reports coming from China. During this time, I have been reading and evaluating news sources from both academic journals and the mainstream media.

8. In order to combat the spread of COVID-19, Virginia Governor Northam issued several executive orders which closed K-12 schools, limited public and private gatherings to 10 people, closed certain businesses deemed to be non-essential, and instituted a stay-at-home order.

9. The initial estimates from the Institute for Health Metrics and Evaluation (IHME) COVID-19 modeling predicted between 100,000 and 200,000 deaths in the United States. Since then, the estimates have been revised several times with the current estimate at 65,976 deaths by August 4th. Projections for hospital and ICU bed shortages have also been substantially downgraded to 5,403 and 8,854 respectively. (See: <https://covid19.healthdata.org/united-states-of-america>.)

10. The current estimated number of deaths due to COVID-19 is near the range of annual deaths due to seasonal influenza. According to the CDC, between 12,000 and 61,000 people die from influenza each year. In 2017-2018, there were an estimated 61,000 deaths from influenza. Seasonal influenza also accounts for 9 million – 45 million illnesses and between 140,000 – 810,000 hospitalizations each year. (See: <https://www.cdc.gov/flu/about/burden/index.html>.)

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11. In an April 7, 2020 affidavit filed in Hughes v. Northam (Russell County Circuit Court) Virginia Health Commissioner Dr. M. Norman Oliver stated, “It is projected that there will be thousands of deaths in the Commonwealth by early August 2020.” He went on to say: “If the number of COVID-19 hospitalizations exceeds 6,600 (which is well within even moderate estimates), the Commonwealth will face a shortage of hospital beds, intensive-care beds, and ventilators.”

12. The IHME estimates for the impact of COVID-19 in Virginia are not anywhere nearly as dire as Commissioner Oliver stated. As of April 8th (one day after Commissioner Oliver’s affidavit), the IHME predicted only 891 deaths and no shortage of hospital beds in Virginia. On the same date, the IHME model predicted a total need of 1,615 beds and 319 ICU beds. The latest estimates continue the downward trend. As of April 21st, the IHME model predicts 771 COVID-19 deaths and a need of 1,173 beds, and 248 ICU beds. There still are no anticipated bed shortages. This is well below the 6,600 “moderate estimate” of hospital admissions cited by Dr. Oliver. (See: <https://covid19.healthdata.org/united-states-of-america/virginia>.)

Indoor Shooting Ranges and COVID-19

13. Indoor shooting ranges were closed under the governor’s Executive Order (EO) 53, which classified shooting ranges as “recreational and entertainment businesses.” However, they are not dissimilar to other locations that were allowed to remain open including grocery stores; beer, wine, and liquor stores; home improvement retail locations; and electronics retailers (to name a few).

14. Moreover, the plaintiff’s indoor shooting range is equipped with an air ventilation/filtration system provided by Carey’s Small Arms Ventilation. This air ventilation

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and filtration system was established to reduce exposure to airborne lead contamination.

According to material provided by the vendor, the air ventilation/filtration system installed at the plaintiff's range meets OSHA, NIOSH, and EPA standards for lead exposure.

15. At his range, the plaintiff reports that air is exchanged every 90 seconds, uses HEPA filtration, and is capable of removing 99.97 percent of particles at 0.3 micrometers from the ambient air. There is laminar air flow with a minimum velocity of 50 feet per minute at the firing line, but the system is set to run at 75 laminar feet per minute per NIOSH guidelines. A two-stage filtration system is installed, including a bag filter and subsequent filtration using the HEPA-V® 2400 filter by Air Filters, Inc. According to a NASA study, HEPA filters are efficient in removing particles less than 0.01 micrometers in diameter, which is smaller than coronaviruses (measuring in at 0.125 micrometers). (See: <https://ntrs.nasa.gov/search.jsp?R=20170005166> and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4369385/>.) Since airborne transmission of COVID-19 is being increasingly suspected as a mode of transmission, having an adequate air filtration system could be an important mitigation effort. (See: <https://www.nejm.org/doi/10.1056/NEJMc2004973>.)

16. Due to the effective air filtration system and decreasing projections of public health impact from COVID-19, it is actually safer to allow the plaintiff's indoor shooting range to reopen than other businesses which have remained open under EO 53. The indoor range should still comply with social distancing and disinfection recommendations to mitigate the risk of contagion from droplet and fomite sources. Social distancing and hygiene/disinfection protocols should be established to conform to CDC and Virginia Department of Health

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guidelines. (See: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html> and [http://www.vdh.virginia.gov/coronavirus/schools-workplaces-community-locations/.](http://www.vdh.virginia.gov/coronavirus/schools-workplaces-community-locations/))

I, Val W. Finnell, certify under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief.


Val W. Finnell
04/23/2020
Date

Subscribed and sworn to before me in my District, this 23 day of April, 2020.

Commonwealth of Pennsylvania, City/County of Allegheny


Notary Public: Bryan Ghingold

[SEAL]

My Commission Expires: 03 March 2024

Commonwealth of Pennsylvania - Notary Seal
Bryan Ghingold, Notary Public
Allegheny County
My Commission Expires Mar 03, 2024
Commission Number 1296416

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