

**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.**

**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 PHILIP VAN CLEAVE**

I, Philip Van Cleave, certify under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief.

1. I am a U.S. Citizen and Virginia resident. I make this declaration in support of the Complaint, Application for Temporary Injunction, and Petition for Writ of Mandamus. If called as a witness, I can testify to the truth of the statements contained herein.

2. I am President of Virginia Citizens Defense League (“VCDL”), which is organized as a Virginia non-stock corporation, with its principal place of business in Newington, Virginia. VCDL is organized and operated as a non-profit civic league that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code.

3. VCDL has tens of thousands of members and operates as a non-profit, non-partisan, grassroots organization dedicated to advancing the fundamental human right of all Virginians to keep and bear arms as guaranteed by the Second Amendment to the United States Constitution and Article I, § 13 of the Constitution of the Commonwealth of Virginia.

4. VCDL’s membership includes members in Lynchburg, Virginia. Many of our members obtain education, instruction, certification, practice, and training across the state at the indoor shooting ranges which were closed by Governor Northam’s Executive Order 53. 5.

On Friday, March 27, 2020, VCDL, by counsel, sent a letter to Governor Northam, explaining its view that EO 53’s closing of “indoor shooting ranges”: (i) violates the Virginia Emergency Services and Disaster Law, Virginia Code § 44-1.146.13, *et seq.*; (ii) violates Article I, Section 13 of the Virginia Constitution; (iii) violates the Second Amendment to the United States Constitution; (iv) conflicts with the opposite rulings of the U.S. Court of Appeals for the Seventh Circuit in two cases determining that gun ranges were protected under the Second Amendment; (v) violates the ability of the unorganized militia to train; (vi) makes it nearly impossible for many gun owners to obtain necessary practice with their firearms; and (vii) makes it nearly impossible for many new gun owners to obtain important safety and operational training in the use of their firearms. VCDL’s letter also explained the sophisticated ventilation and filtration systems used in indoor shooting ranges, reducing the risk of exposure to lead and other airborne contaminants.

6. VCDL received emailed confirmation that its letter of March 27, 2020 was received by the Governor's office, but no other response to this letter has been received.

7. On Monday, March 30, 2020, VCDL, by counsel, sent a second letter to Governor Northam, asking him to reconsider closure of indoor shooting ranges, and to reverse that portion of EO 53, in light of the fact that two days prior, on March 28, 2020, the U.S. Department of Homeland Security issued an Update o its Essential Critical Infrastructure list, listing the Firearms Industry, and gun ranges in particular.

8. VCDL asked for but obtained no confirmation that its letter of March 30, 2020 was received, and no substantive response has been received from the Governor's office.

9. Denied the ability to visit indoor shooting ranges during the pendency of the Governor's order, VCDL's members and supporters and others are being deprived of the ability to obtain certification in order to obtain concealed carry permits, as some trainers require range time. They are deprived of the ability to receive training and practice the safe and effective use of firearms under the controlled conditions provided by indoor ranges. Because of that, VCDL's members are being irreparably harmed by being denied the ability to exercise their right to keep and bear arms, including the training in the inherent right of self-defense.

10. Virginians have an inherent right to protect themselves from the violent acts of criminals. If Executive Order 53 is not enjoined as it applies to indoor shooting ranges VCDL's members — and particularly new members – will be at additional risk of becoming victims, because they will not have the range time to be able to effectively defend themselves against aggression.

11. I believe the provision in Executive Order 53 that closes indoor shooting ranges violates Virginia Code section 44-146.15(3), which forbids the Governor and other government

officials from using an emergency to justify doing anything to restrict firearms rights. VCDL supported that change in the law after seeing that in some states, such as Louisiana, Hurricane Katrina was used as an excuse by anti-gun politicians to disarm the People when they needed those arms the most. VCDL lobbied the Virginia General Assembly aggressively to enact this statute to make it absolutely clear that such a seizure of power could never occur in Virginia. I have looked and know that both Governor Northam and Attorney General Herring voted for that bill when there were in the General Assembly. This statute has not been changed since it was enacted. Therefore, it is particularly shocking for Virginians now to learn that these individuals are now working to undermine the law they supported. It is also my personal opinion, and the opinion of VCDL, that the ban on indoor shooting ranges violates Article I, § 13 of the Constitution of Virginia, Article I, § 7 of the Constitution of Virginia, and the Second Amendment to the United States Constitution.

Philip Van Cleave  
Philip Van Cleave  
4/8/20  
Date

Subscribed and sworn to before me in my District, this 8<sup>th</sup> day of April, 2020.

Commonwealth of Virginia, City/County of Chesterfield

[Signature]  
Notary Public:

[SEAL]

My Commission Expires: 07/31/2023

