

Hearing date: September 23, 2022
Hearing time: 9:00am
Judge/Calendar: Hon. Matthew Williams

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IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,)	CASE NO. 22-2-20064-2
)	
Plaintiff,)	SILVA DECLARATION IN
)	SUPPORT OF OPPOSITION TO
v.)	MOTION FOR PRELIMINARY
)	INJUNCTION
FEDERAL WAY DISCOUNT GUNS, LLC,)	
)	
Defendant.)	

Benjamin Silva declares:

1. I am an adult citizen of the State of Washington, competent to testify and hereby testify of my personal knowledge.
2. I am a retired officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives. I am a certified firearms instructor, including in machine guns.
3. Anyone training themselves correctly, is dropping a magazine because the object always is to obtain additional ammunition. This inevitably results in chipped magazine. Even if not training properly (letter magazines fall) springs, lips, and other parts will inevitably wear out and need to be replaced.
4. Firearm magazines capable of receiving more than ten rounds are not large, they are standard – if anything, a ten round magazine is “small” for most modern firearms and

1 applications; this is the case for civilians as well as law enforcement.

2 5. The average home invasion is perpetrated by three to four individuals. Law enforcement is
3 trained to continuing firing until an assailant stops and to fire no less than three rounds per
4 target. This leaves the average citizen in sufficiently armed with a magazine capacity of ten
5 rounds or less. *one word*

6 6. In my experience as a long time ATF agent, the shot-hit ratio by criminals is significantly
7 less than the average citizen who takes firearms ownership seriously. This means that the
8 average citizen who takes firearms ownership seriously is training significantly more than
9 most criminals. That increased level of training inevitably means more damaged magazines
10 and the need to replace them. The logical result of RCW 4.91.370 is that law abiding citizens
11 will be disproportionately adversely impacted.

12 7. I personally know Defendant Moe Baghai from my time with the ATF.

13 8. I first became ware of Mr. Baghai thirty years ago when I was asked to investigate someone
14 named "Mohammad" operating a gun shop in Federal Way. I investigated Mr. Baghai for a
15 year and a half. I have remained friendly with Mr. Baghai, we have had three or four
16 lunches, but we have never been to each other's homes.

17 9. I have a perfect record in Federal Court and if Mr. Baghai were violating any laws while I
18 was an ATF agent I believe I would have uncovered them - I have never seen him do
19 anything that comes even close to a crime.

20 10. Based upon my personal experience with the ATF, an individual named Mohammed is more
21 likely to be investigated than someone with an Anglo-Saxon name engaged in the exact
22 same activity.

23 24 11. After investigating Mr. Baghai and finding no issues whatsoever with his brokerage, Mr.
25

1 Baghai actively participated with me and the ATF in many field operations, including
2 undercover stings, placing cameras in his shop (in my twenty-five years with the ATF no
3 other gun dealer has ever so cooperated) and Mr. Baghai even accompanied me on at least
4 one ATF raid.

5 12. By way of just one example, in the late 1990's there was a significant theft of firearms in
6 Federal Way. Despite my requests to multiple gun shops, Mr. Baghai was the only gun
7 dealer willing to cooperate in this investigation. Mr. Baghai was essential to the ATF's
8 recovery of dangerous weapons, including a Russian semi-automatic sniper rifle and
9 significant amounts of dangerous stolen property.

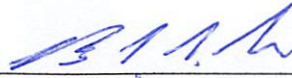
10 13. Mr. Baghai has gone out of his way to inform me when he has concerns about customers,
11 for example he has gratuitously provided information to me that led to seizures, including
12 specifically of firearms with capacities that were illegal at the time under federal law.

13 14. There are many firearms that I have recovered which would have been impossible without
14 Mr. Baghai calling me directly, without any obligation to do so, to allow me to quickly
15 react.

16 15. It is uncommon for firearms dealers to be as cooperative with the government as Mr. Baghai
17 has historically been - cooperation with the ATF can lead to alienation of customers,
18 colleagues, employees, and competitors, and exposes the individual and their family helping
19 the agency to threats and violence.

20 21 16. The only irreparable harm posed in this case is the damage to Mr. Baghai's reputation and
22 his business, which may irreparably harm him, and may also irreparably harm the public
23 and the ATF's ability to combat gun violence by the loss of Mr. Baghai as a valuable asset.
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1 **EXECUTED** under penalty of perjury this 19th day of December 2022 at Federal Way, WA.

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3 Benjamin Silva

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