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LOS ANGELES  
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

ANTHONY MARIO ASSENZA, et al., )  
Plaintiffs/Petitioners, )  
vs. )  
CITY OF LOS ANGELES, et al., )  
Defendants/Respondents. )

CASE NO. BC 115813  
*AMENDED*  
JUDGMENT OF DECLARATORY  
RELIEF

IT IS ORDERED that the rights and obligations of the parties to this action are declared as follows:

A. Defendants Affected.

The defendants affected by this judgment herein are: CITY OF LOS ANGELES, the CITY OF LOS ANGELES POLICE DEPARTMENT (hereinafter "LAPD"), LOS ANGELES BOARD OF POLICE COMMISSIONERS, and BERNARD PARKS, CHIEF OF POLICE OF THE CITY OF LOS ANGELES

1 POLICE DEPARTMENT.

2 B. Introduction.

3 This action challenging LAPD's procedure, rules and practices  
4 for issuing licenses to carry concealed firearms pursuant to Pen.  
5 C. Section 12050 ff. was filed September 24, 1992. Some of the  
6 plaintiffs sought to be issued licenses and they and the other  
7 plaintiffs sued as taxpayers and citizens. The Los Angeles  
8 defendants received an open extension to answer and entered into  
9 highly complex settlement negotiations which have continued to  
10 this time.

11

12 C. Admission.

13

14 The Los Angeles defendants admit that certain rules, policies,  
15 practices and procedures, and certain features of the Board Policy  
16 Statement cited in the complaint, were not in compliance with  
17 Section 12050 ff. Those former rules, policies, practices and  
18 procedures have been altered. The Policy Statement itself has  
19 been repealed and will be replaced by the provisions of items E  
20 and F of this judgment, provided that the Los Angeles defendants  
21 reserve the right to add further specifications to their rules,  
22 regulations and guidelines, so long as such amendments are not  
23 inconsistent with the provisions of this judgment.

24

25 D. Plaintiffs' Licenses.

26 The allegations of the complaint showed good cause as to all  
27 of the plaintiffs who sought to be issued licenses. For purposes  
28 of this judgment the following persons are deemed plaintiffs:

1 ANTHONY MARIO ASSENZA, ROBERT JAMES BRYANT, WILLIAM ARTHUR  
2 CRAWFORD, PAUL STEVEN DWAN, BRUCE HAROLD EDELMAN, OLOGY ERLE  
3 GIBSON, TERRY HOMER HARDEN, RICHARD ALAN HOCHBERG, BURTON C.  
4 JACOBSON, THOMAS MICHAEL KUTROSKY, YAROM LIMOR, MARSHALL CLIFFORD  
5 MARS, JOHN R. MARTIN, ROBERT KELLOGG MILLER, MICHAEL SCOTT  
6 ONTIVEROS, TED PASTERNAK, VICTOR DONALD RAPPOPORT, JESSEE DONALD  
7 RICH, JEROME MARTIN ROSENBERG, JOEL C. SCHLOSSMAN, NATHAN DAVID  
8 SCHLOSSMAN, CARLOS SEDILLO, SANFORD SHIRE, BERNICE SHARON SILVER,  
9 RICHARD CLAYTON TEMME, JOHN HARRIS THALER, DONNA LYNNE THOMAS,  
10 GARY BRIAN TIGAR, KENT LEE TURNIPSEED, and DAVID ALAN YOCHELSON.  
11 These named plaintiffs will receive licenses, and their licenses  
12 will be renewed for a one year term, but only so long as they  
13 continue to have good cause, good character, not to be barred by  
14 law from the ownership of concealable firearms, and to meet each  
15 of the other requirements of licensure under Section 12050 ff.

16

17 E. The policy LAPD has adopted is that good cause exists if  
18 there is convincing evidence of a clear and present danger to life  
19 or of great bodily injury to the applicant, his (or her) spouse,  
20 or dependent child, which cannot be adequately dealt with by  
21 existing law enforcement resources, and which danger cannot be  
22 reasonably avoided by alternative measures, and which danger would  
23 be significantly mitigated by the applicant's carrying of a  
24 concealed firearm.

25

26 F. The following further rules and guidelines are  
27 provided for the interpretation and implementation of Item E:

28





1 circumstances exist requiring him or her to transport in public  
2 significant amounts of valuable property which it is impractical  
3 or impracticable to entrust to the protection of armored car  
4 services or equivalent services for safe transportation of  
5 valuables. e) The applicant establishes that he or she is  
6 subject to a particular and unusual danger of physical attack and  
7 that no reasonable means are available to abate that threat.

8  
9 3. Favorable Factors. Among facts upon which the department  
10 will, in the exercise of its discretion, look favorably in  
11 considering applications are whether: a) the applicant has a  
12 demonstrated record of responsible handling of firearms; b) the  
13 applicant has a commitment to safe and responsible handling of  
14 firearms as shown by having voluntarily taken firearms training;  
15 c) the applicant has a record of good citizenship in general as  
16 evidenced, for instance, by service to the community through such  
17 activities as creditable service in the armed forces, including  
18 the National Guard and state militia or in the police reserves, or  
19 of active participation in charitable or public service  
20 organizations or activities or in political affairs; d) the  
21 applicant is trustworthy and responsible as evidenced, for  
22 instance, by employment history, positions held that are civic, or  
23 political, or religious, or secular achievements, or record of  
24 personal accomplishment in other areas of endeavor; e) that the  
25 applicant suffers under a disability or physical handicap,  
26 including age or obesity, which hinders the applicant's ability to  
27 retreat from an attacker.

28

1           4. Unfavorable Factors: Factors which will bear negatively  
2 on issuance (unless they appear to be in the remote past) are: a)  
3 the applicant has a long-term history of mental or emotional  
4 instability, alcoholism, drug use or addiction; b) the applicant  
5 has a history of fault in serious accidents with firearms,  
6 automobiles or other dangerous instrumentalities; c) the applicant  
7 has had a permit to own or carry a concealed weapon denied,  
8 suspended or revoked for good cause by any issuing authority;  
9 d) the applicant has had a driver's license denied, suspended or  
10 revoked for good cause by any issuing authority; e) the applicant  
11 has a long-term record of irresponsible and dangerous behavior  
12 with automobiles as indicated by numerous convictions of serious  
13 driving offenses; f) the applicant has a long-term history of  
14 conduct from which it appears that he or she is not now of good  
15 moral character, trustworthy or responsible. While none of the  
16 foregoing disqualify an applicant per se, a license will be denied  
17 if it appears, in the discretion of the department, that the  
18 applicant does not now have good character or that issuance of a  
19 license to him/her is not consistent with public safety.

20  
21           5. Presumption.

22           Absent good cause for denial, persons having good cause as  
23 defined in paragraph 2 shall be issued licenses for the maximum  
24 time period allowed by section 12050, and their licenses shall be  
25 renewed so long as they continue to have good cause. No license  
26 shall issue if the applicant is prohibited by law from possessing  
27 or acquiring firearms, or concealable firearms, or is below the  
28 age of 21 years.



1 license. Those whose applications are rejected will receive a  
2 specific written reason for rejection along with notification of  
3 their right to seek review from the advisory panel.  
4

5 9. Conditions. Absent some compelling reason, licensees  
6 will be allowed to specify up to three firearms of their choice to  
7 be listed on their license and the Department will amend their  
8 licenses to substitute or add firearms so long as the number does  
9 not exceed three and each firearm meets the other provisions of  
10 this paragraph. The department may attach to the license such  
11 conditions as in the reasonable exercise of its discretion it  
12 deems appropriate; provided that these conditions shall be noted  
13 on the face of the license. Conditions may include, but are not  
14 limited to:

- 15 a. The type of weapon to be carried.
- 16 b. The type of ammunition to be permitted.
- 17 c. Circumstances in which it may or may not be  
18 carried. Absent some compelling reason, limitations  
19 a. and b. shall not preclude use of kinds of  
20 firearm or ammunition which are generally deemed  
21 appropriate for issuance to plain clothes law  
22 enforcement personnel in the State of California.  
23

24 G. Advisory Review.

25 1. Plaintiffs' lead counsel, Don B. Kates, shall appoint a  
26 panel of advisors to review contested applications. (Kates may add  
27 or substitute members of the panel as he deems necessary to carry  
28 out its functions, e.g. in case of the resignation, death or

1 disability a new nominee to make such appointments shall be  
2 nominated by the plaintiff Second Amendment Foundation.)

3 2. LAPD will accompany its notification to applicants/its  
4 action on their application with a statement that a review panel  
5 exists. If the applicant is dissatisfied and requests such review,  
6 LAPD will promptly submit to the panel's review its files in all  
7 cases in which an application is rejected or granted with  
8 substantial limitations and will attempt to respond in a  
9 reasonable and timely manner to questions the panel may have. The  
10 panel will promptly review each submitted application and  
11 recommend in writing if it believes a different decision should  
12 have been made by LAPD. LAPD will promptly reconsider the matter  
13 and take any further action it deems merited.

14 3. LAPD may be liable for an award of attorney's fees in  
15 any legal action: a) which was initiated after the advisory panel  
16 recommended action favorable to the applicant; b) which  
17 recommendation LAPD rejected, if c) the outcome in that legal  
18 action substantially parallels the advisory panel's  
19 recommendation.

20 H. Continued Jurisdiction.

21 The court will retain continued jurisdiction of the  
22 action in order to make any further orders which may be necessary.

23 I. Each party to this action shall bear its own costs  
24 and fees, including attorneys fees in this matter.

25 IT IS SO ORDERED.

26 DATED: 2-4-58

BZINTRA I. JANAVS  
JUDGE OF THE SUPERIOR COURT