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13 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 FOR THE COUNTY OF LOS ANGELES

15 CENTRAL DISTRICT

16 ANTHONY MARIO ASSENZA, et al., ) CASE NO. BC 115811  
17 )  
Plaintiffs and Petitioners, ) **DECLARATION OF DAVID R. DAVIS**  
18 )  
vs. )  
19 )  
THE CITY OF LOS ANGELES, et al. )  
20 )  
21 Defendants and Respondents. )  
22 \_\_\_\_\_ )

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**DECLARATION OF DAVID R. DAVIS**

I, David R. Davis, declare as follows:

1. I reside in the city and county of Los Angeles, California.

2. I own and manage seven mobile businesses which provide expensive jewelry, art, and jackets to various celebrity consumers and retail stores. The names of my businesses include, but are not limited to, "Watches 2 die 4," "Anything for You," and "Mammoth Collections." I work out of my home in Sherman Oaks and have a virtual office located in Beverly Hills, California.

3. My mobile businesses necessitate the need for me to physically transport very expensive merchandise to my customers throughout the City and County of Los Angeles. Business owners like me, by virtue of the merchandise they transport, are much more likely to be robbed more frequently than most other types of merchants. Unlike retail jewelry businesses which have more protection due to alarms, panic buttons, and shatter-resistant glass counters, I have very limited protection available due to the mobile nature of my businesses.

4. Wholesale jewelers like me are much more vulnerable to robbery and physical harm, including death, at the hands of a robber. The greater vulnerability is due to the fact that wholesale jewelers typically travel to retail jeweler's locations to sell the jewelry. The market for wholesale jewelry is extremely tight so to be a success in the wholesale side of the business, it is necessary to satisfy the needs of the customer as much as possible. Satisfying those needs includes traveling to the retail jeweler's store with large amounts of highly valuable jewelry in my possession.

5. I also meet customers in restaurants, on golf courses, or other public locations convenient to the customer. The days and times that I am willing to meet with customers are unlimited because flexibility in setting meeting times is a standard practice for mobile wholesale jewelers. I must be available to fulfill customers' needs all the time in order to be successful in this business, otherwise, the customer will call someone else who is more willing to accommodate their needs.

6. I frequently transport large quantities of valuable watches valued at approximately

1 \$50,000 to \$100,000 each.

2 7. I also appraise watches for customers. I am often given a customer's watch of  
3 extreme value into be held for appraisal, repair, cleaning or delivery to another customer.

4 8. My hours are irregular. I often travel alone and at night. I make all my own bank  
5 deposits, which may sometimes include placing watches in a safety deposit box.

6 9. Because of the nature and degree of crime relating to those in the wholesale jewelry  
7 business, I believe there is a clear and present danger to my life or of great bodily injury to me. If  
8 I am in a life-threatening situation, I feel that it is essential to be adequately defend myself.

9 10. With the assistance of Burton Jacobson, I applied for a carry concealed weapons  
10 license on or around January 10, 2008. Burton Jacobson's office mailed my application and  
11 required attachments to the Los Angeles Police Department Gang Operations Support Division  
12 Gun Section

13 11. In a letter dated February 18, 2008, I received notification from the LAPD  
14 acknowledging the receipt of my carry concealed weapons license application. I was informed  
15 that my application was in the review process.

16 12. In a letter dated April 8, 2008, the LAPD denied my application for a carry  
17 concealed weapons license indicating that my application did not display any "convincing  
18 evidence of a clear and present danger[.]" Attached hereto is a true and accurate copy of the April  
19 8, 2008 denial letter at Exhibit A.

20 13. The denial letter did not mention anything about an advisory review panel. Instead,  
21 the letter told me to contact Captain Regina Scott if I had any questions or concerns.

22 14. Mr. Jacobson sent a letter, dated May 7, 2008, to Captain Regina A. Scott on my  
23 behalf, requesting a copy of the requirements as set forth under the policy established by the Los  
24 Angeles Police Department. Mr. Jacobson also made a formal demand for a review hearing  
25 before the Citizens Advisory Review Board. I was copied on this letter. Attached hereto is a true  
26 and accurate copy of the May 7, 2008 letter to Captain Regina A. Scott at Exhibit B.

27 15. I never received a copy of the requirements as set forth under the LAPD policy.

28 16. In a letter dated May 19, 2008, Captain Regina Scott from the Los Angeles Police

1 Department informed me that my appeal was forwarded to Mr. David Yochelson, Chairman of the  
2 Police Advisory Board, for scheduling.

3 17. My carry concealed weapons application was reviewed by the Citizens Advisory  
4 Review Panel on December 16, 2008. I appeared before the panel telephonically.

5 18. All six members of the Citizens Advisory Review Panel agreed that I established a  
6 sufficient showing of “clear and present danger” and that I should be issued a carry concealed  
7 weapons license. I was informed that their recommendation was sent back to the LAPD within a  
8 week after my file was reviewed by the Citizens Advisory Review Panel.

9 19. In a letter dated February 9, 2009, I received another denial from the LAPD with  
10 essentially the exact same language in the first two paragraphs as was stated in my April 8, 2008  
11 denial letter. This letter, however, mentioned the existence of the Citizens Advisory Review  
12 Panel, but did not acknowledge that the panel had reviewed by application or made its subsequent  
13 recommendations as described above. In fact, in the letter, I was directed to contact the LAPD if I  
14 sought to have my application reviewed by the panel, as though the review described had never  
15 taken place or that LAPD wasn’t aware of it occurring. Attached hereto is a true and accurate  
16 copy of the February 9, 2009 denial letter at Exhibit C.

17 20. Confused as to why I was denied a carry concealed weapons license twice despite  
18 my showing of “clear and present danger” and concerned as to why I was directed to seek the  
19 opinion of the advisory panel for the second time, I contacted the LAPD and inquired into why  
20 they sent me the same denial letter twice.

21 21. Upon speaking to Deputy Chief Charlie Beck, it was evident that he did not realize  
22 that essentially the same denial letter was sent to me twice. I asked him if he was in the habit of  
23 issuing denial letters and inquired into whether he even read my denial letter he signed. He did  
24 not have a response for me, except for an apology for the “clerical error.”

25 22. In a letter dated May 8, 2009, I received a written apology for the clerical error.  
26 Again, however, the apology letter said I was denied a carry concealed weapons license because  
27 “convincing evidence was not established of a clear and present danger to life or of great bodily  
28 injury[.]” Attached hereto is a true and accurate copy of the May 8, 2009 apology letter at Exhibit

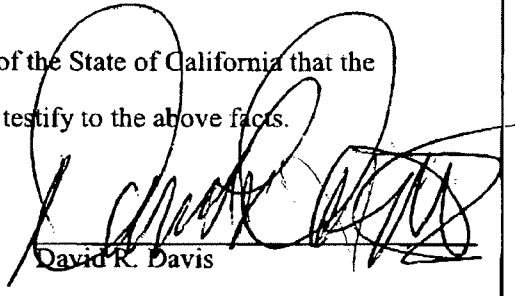
1 D.

2 23. It has been approximately three years since I originally applied for a carry  
3 concealed weapons license application in Los Angeles County and I have failed to obtain one.

4 24. At no time was I ever provided by the LAPD or City of Los Angeles a copy of the  
5 written policies of the LAPD regarding the handling of an application for a carry concealed  
6 weapons license.

7 I declare under penalty of perjury under the laws of the State of California that the  
8 foregoing is true and correct. If called to testify, I would testify to the above facts.

9 Dated: March 22<sup>ND</sup>, 2011



David R. Davis

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David R. Davis

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PROOF OF SERVICE

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

I, Claudia Ayala, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

On \_\_\_\_\_, I served the foregoing document(s) described as

**DECLARATION OF DAVID R. DAVIS**

on the interested parties in this action by placing  
[ ] the original  
[X] a true and correct copy  
thereof enclosed in sealed envelope(s) addressed as follows:

\_\_\_\_ (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit.

Executed on \_\_\_\_\_, at Long Beach, California.

\_\_\_\_ (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the addressee.

Executed on \_\_\_\_\_, at Long Beach, California.

\_\_\_\_ (OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance.

Executed on \_\_\_\_\_, at Long Beach, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_ (FEDERAL) I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
CLAUDIA AYALA