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**FILED**

MAR 3 01995  
EDWARD M. KRITZBERG  
*S. Barrett*  
BY S. BARRETT, DEPUTY

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

ANTHONY MARIO ASSENZA, et al.,	)	CASE NO. BC 115813
	)	
Plaintiffs/Petitioners,	)	JUDGMENT OF DECLARATORY
	)	RELIEF
v.	)	(Pursuant to Stipulation)
	)	
CITY OF LOS ANGELES, et al.,	)	
	)	
Defendants/Respondents.	)	

Pursuant to the Stipulation for Entry of Judgment filed in this matter, and good cause appearing therefore,

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

A. Defendants Affected.

The defendants described in the complaint as the "Los Angeles defendants" were: the CITY OF LOS ANGELES; the CITY OF LOS ANGELES POLICE DEPARTMENT (hereinafter "LAPD"), WILLIE L. WILLIAMS

1 CAPTAIN G.E. ORNELAS and various members of the LAPD's Board of  
2 Police Commissioners.

3  
4 B. Introduction.

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

13  
14 C. Admission.

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20 itself has been repealed and will be replaced by the provisions of  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

25  
26 D. Plaintiff's Licenses.

27 The allegations of the complaint showed good cause as to  
28 all of the plaintiffs who sought to be issued licenses. For

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

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

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

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INTRODUCTORY

The department recognizes that Pen. C. Section 12050 requires the issuance of licenses to persons of good character who have good cause to carry a concealed firearm for the defense of themselves or others or in pursuing their livelihood. These guidelines are designed to implement that requirement.

Good cause is more likely to be found if the applicant has a demonstrated record of responsible handling of firearms as indicated by voluntarily having taken firearms training and/or long-term participation in the shooting sports. While lack of such a demonstrated record is not a disqualification if the applicant is otherwise qualified to use a firearm properly, licenses will not issue if there is substantial, articulable reason to believe that issuance would be contrary to public safety or if the applicant does not have good character. Among other criteria to be considered are: the applicant's record and history in accidents with firearms, automobiles or other dangerous instrumentalities; and association with persons having a criminal record or who are reliably known to lack good character. The expression of dangerous or

1 irresponsible attitudes, or threats, toward or  
2 regarding the use of firearms or other dangerous  
3 instrumentalities shall be grounds for denial or  
4 revocation of a license.  
5

6 CRITERIA FOR LICENSURE  
7

8 1. Training. The license, if approved,  
9 shall not become effective until the applicant  
10 has furnished proof to the department that he or  
11 she has successfully completed the course of  
12 training in the carrying and use of firearms  
13 established pursuant to Section 7547.1 of the  
14 California Business and Professions Code or some  
15 other appropriate course which included the  
16 following subjects of training: knowledge of  
17 California laws regarding weapons and deadly  
18 force use; safe handling, carriage, use and  
19 storage of concealable firearms; competency with  
20 the types of firearms to be listed on the  
21 license.

22 2. Good Cause. Good cause shall be deemed  
23 to exist, and a license will issue in the  
24 absence of strong countervailing factors, upon a  
25 showing of any of the following circumstances:  
26 a) The applicant is able to establish that  
27 there is an immediate or continuing threat,  
28 express or implied, to the applicant's, or the

1 applicant's family's, safety and that no other  
2 reasonable means exist which would suffice to  
3 neutralize that threat. b) The applicant is  
4 employed in the field of security, has all  
5 requisite licenses, is employed by a security  
6 firm having all requisite licenses, and provides  
7 satisfactory proof that his or her work is of  
8 such a nature that it requires the carrying of a  
9 concealed weapon. c) The applicant has  
10 obtained, or is a person included within the  
11 protections of, a court order which establishes  
12 that the applicant is the on-going victim of a  
13 threat or physical violence or otherwise meets  
14 the criteria set forth in Pen. C. Section  
15 12025.5. d) The applicant establishes that  
16 circumstances exist requiring amounts of  
17 valuable property which it is impractical or  
18 impracticable to entrust to the protection of  
19 armored car services or equivalent services for  
20 safe transportation of valuables. e) The  
21 applicant establishes that he or she is subject  
22 to a particular and unusual danger of physical  
23 attack and that no reasonable means are  
24 available to abate that threat.

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27 3. Favorable Factors. Among facts upon  
28 which the department will, in the exercise of  
its discretion, look favorably in considering

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

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26 4. Unfavorable Factors: Factors which  
27 will bear negatively on issuance (unless they  
28 appear to be in the remote past) are: a) the  
applicant has a long-term history of mental or

1 emotional instability, alcoholism, drug use or  
2 addiction; b) the applicant has a history of  
3 fault in serious accidents with firearms,  
4 automobiles or other dangerous  
5 instrumentalities; c) the applicant has had a  
6 permit to own or carry a concealed weapon  
7 denied, suspended or revoked for good cause by  
8 any issuing authority; d) the applicant has had  
9 a driver's license denied, suspended or revoked  
10 for good cause by any issuing authority; e) the  
11 applicant has a long-term record of  
12 irresponsible and dangerous behavior with  
13 automobiles as indicated by numerous convictions  
14 of serious driving offenses; f) the applicant  
15 has a long-term history of conduct from which it  
16 appears that he or she is not now of good moral  
17 character, trustworthy or responsible. While  
18 none of the foregoing disqualify an applicant  
19 per se, a license will be denied if it appears,  
20 in the discretion of the department, that the  
21 applicant does not now have good character or  
22 that issuance of a license to him/her is not  
23 consistent with public safety.  
24

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26 5. Presumption. Absent good cause for  
27 denial, persons having good cause as defined in  
28 paragraph 2 shall be issued licenses for the  
maximum time period allowed by section 12050,

1 and their licenses shall be renewed so long as  
2 they continue to have good cause. No license  
3 shall issue if the applicant is prohibited by  
4 law from possessing or acquiring firearms, or  
5 concealable firearms, or is below the age of 21  
6 years.

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9 PROCEDURAL MATTERS

10 6. Divulgence of Information. All  
11 applicants shall receive a copy of these  
12 guidelines along with the application form.

13 7. Evidence. Declarations under penalty  
14 of perjury suffice as evidence of facts showing  
15 good cause, provided that the Department is not  
16 required to accept the allegations in a  
17 declaration if it has credible counter-evidence  
18 or finds the declarant not credible. The  
19 applicant will be required to furnish proof of  
20 his or her medical and psychological fitness in  
21 a manner to be prescribed by the department.  
22 This shall include certification of the  
23 applicant's eyesight to meet the standards  
24 established by the California Department of  
25 Motor Vehicles for issuance of driver's license.  
26 As proof of good character the applicant shall  
27 present at least two statements from responsible  
28 persons attesting thereto. The applicant may

1 present additional evidence to prove good  
2 character, trustworthiness and responsibility or  
3 to negative the converse.  
4

5 8. Celerity. License applications shall  
6 be approved or rejected within 50 days of the  
7 application being submitted; provided, that if  
8 the applicant has not been cleared (or rejected)  
9 by the California Department of Justice by the  
10 fortieth day, LAPD shall have an additional ten  
11 days for such action which additional period  
12 shall begin as of the date by which LAPD  
13 receives word from the California Department of  
14 Justice; and further provided that an additional  
15 60 day period is allowed in cases in which the  
16 applicant has appealed a rejection or any  
17 restriction of the license. Those whose  
18 applications are rejected will receive a  
19 specific written reason for rejection along with  
20 notification of their right to seek review from  
21 the advisory panel.  
22

23 9. Conditions. Absent some compelling  
24 reason, licensees will be allowed to specify up  
25 to three firearms of their choice to be listed  
26 on their license and the Department will amend  
27 their licenses to substitute or add firearms so  
28 long as the number does not exceed three and

1 each firearm meets the other provisions of this  
2 paragraph. The department may attach to the  
3 license such conditions as in the reasonable  
4 exercise to its discretion it deems appropriate;  
5 provided that these conditions shall be noted on  
6 the face of the license. Conditions may  
7 include, but are not limited to:

- 8 a. The type of weapon to be carried.
- 9 b. The type of ammunition to be permitted.
- 10 c. Circumstances in which it may or may  
11 not be carried. Absent some compelling reason,  
12 limitations a. and b. shall not preclude use of  
13 kinds of firearm or ammunition which are  
14 generally deemed appropriate for issuance to  
15 plain clothes law enforcement personnel in the  
16 State of California.

17  
18 G. Advisory Review.

19 1. Plaintiffs lead counsel, Don B. Kates, shall appoint a  
20 panel of advisors to review contested applications. (Kates may add  
21 or substitute members of the panel as he deems necessary to carry  
22 out it's functions, e.g. in case of the resignation, death or  
23 disability a new nominee to make such appointments shall be  
24 nominated by the plaintiff Second Amendment Foundation.)

25 2. LAPD will accompany its notification to applicants of  
26 it's action on their application with a statement that a review  
27 panel exists. If the applicant is dissatisfied and requests such  
28 review, LAPD will promptly submit to the panel's review it's files

1 in all cases in which an application is rejected or granted with  
2 substantial limitations and will attempt to respond in a reasonable  
3 and timely manner to questions the panel may have. The panel will  
4 promptly review each submitted application and recommend on writing  
5 if it believes a different decision should have been made by LAPD.  
6 LAPD will promptly reconsider the matter and take any further action  
7 it deems merited.

8 3. LAPD may be liable for an award of attorney's fees in  
9 any legal action: a) which was initiated after the advisory panel  
10 recommended action favorable to the applicant; b) which  
11 recommendation LAPD rejected, if c) the outcome in that legal action  
12 substantially parallels the advisory panel's recommendation.  
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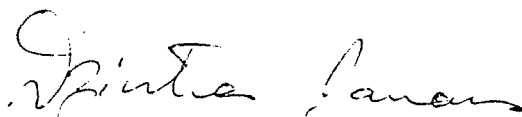
14 H. Continued Jurisdiction.

15 The court will retain continued jurisdiction of the action  
16 in order to make any further orders which may be necessary.  
17

18 I. Each party to this action shall bear its own costs and  
19 fees, including attorneys fees in this matter.  
20

21 IT IS SO ORDERED.  
22

23  
24 DATED: 3/30/95

  
25 \_\_\_\_\_  
26 JUDGE OF THE SUPERIOR COURT  
27

28 BRB4\ASSENZA\JUDGMENT