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ORIGINAL FILED
JUL 23 1998
LOS ANGELES
SUPERIOR COURT

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

10
11 ANTHONY MARIO ASSENZA,) CASE NO. BC 115813
12 et al.,)
13 Plaintiffs/Petitioners,) PLAINTIFFS AND/OR APPLICANTS'
14 vs.) CLOSING BRIEF AS PER COURT
15 CITY OF LOS ANGELES, et al.,) ORDER OF JULY 9, 1998
16 Defendants/Respondents,)
17)
18) Date: July 24, 1998
19) Time: 10:30 a.m.
20) Dept: 14
21)

22 Additional Attorneys for Plaintiffs:

23 Don B. Kates, Jr.
24 920 Arlene Way
25 Novato, CA 94947
26 (415)883-5323
27

28 COMES NOW PLAINTIFFS AND/OR APPLICANTS who submit the
following Closing Brief pursuant to this Court's Order of July 9,
1998.

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1 1. ISSUE OF TRAINING IS CONCEDED BY DEFENDANTS IN FAVOR OF
2 PLAINTIFF AND/OR APPLICANTS

3 Defendants' Reply Brief, per this Court's Order, arrived in
4 the form of a Further Memorandum in Opposition to Plaintiffs'
5 Contempt Motion. It does not address the questions that this
6 Court ordered briefed in its Order of July 9, 1998. In fact, the
7 word "training" is not mentioned. Therefore, this Court should
8 consider the Plaintiffs and/or Applicants' Opening Brief well
9 taken and their points conceded by Defendants.

10 The Declaration of Byron R. Boeckman, attached to defendants'
11 brief is not evidence because it is based upon information and
12 belief. It is hearsay and should be disregarded by this Court.
13 Further, the attachment to the declaration, the LAPD Concealed
14 Weapon Permit Policy, appears to be taken from the original
15 (unamended) Judgment (Exhibit "2" of Exhibits in Support of Order
16 to Show Cause Re Contempt) rather than the Amended Judgment
17 (Exhibit "3" of those same exhibits). It refers to a Business
18 and Professions Code Section (regarding security guard training)
19 which has been repealed. Therefore, it continues to mislead and
20 confuse the public.

21 The statements contained in the Declaration of Byron Boeckman
22 regarding the distribution of new guidelines are apparently
23 erroneous. This is evidenced by the Declarations of Robert J.
24 Bryant and Robert Kahn, attached hereto as Exhibits "1" and "2"
25 respectively to this Closing Brief. Mr. Bryant went to three
26 different LAPD stations on July 20, 1998. In so doing, he did not
27 receive the revised guidelines at any location. Further, he
28 received an application containing the June 1996 guidelines

1 (attached hereto as Exhibit "1A"). This is the same application
2 and guidelines complained about by plaintiffs and/or applicants as
3 contained in Exhibit "6" of the Exhibits in Support of Order to
4 Show Cause Re Contempt. Mr. Kahn visited the LAPD North Hollywood
5 station and also received the same dated application and
6 guidelines (attached hereto as Exhibit "2A").

7 2. DEFENDANTS HAVE ADMITTED TRAINING IS NOT CONTESTED

8 Plaintiffs have submitted concurrently with this Closing
9 Brief, a Request for Judicial Notice containing page 36 of the
10 court reporter's certified transcript of the proceeds held on June
11 26, 1998. On that page, at lines 5 through 17, it is made clear
12 that the issue of training is not contested by defendants and is
13 therefore a non-issue in this proceeding.

14 3. DEFENDANTS' STATEMENT THAT THE CITY HAS COMPLIED WITH
15 THE JUDGMENT IS STRONGLY CONTESTED

16 The defendants continue to raise a specious and false issue
17 that the plaintiffs received everything that they were entitled to
18 under the Judgment.

19 Plaintiffs are entitled to all of the benefits of the
20 Judgment, including the renewal provisions contained therein.
21 Plaintiffs, at this point in time, should be treated no
22 differently than any other applicants who meet the criteria for
23 licensure contained in the Judgment. All the plaintiffs/non-
24 plaintiffs/applicants herein currently meet, and have met and
25 continue to meet, the criteria for licensure. The two are
26 indistinguishable insofar as the issues of this Order to Show
27 Cause are concerned.

28 ///

1 4. DEFENDANTS' USE OF CIRCUITOUS REASONING WILL GIVE RISE
2 TO CIRCULAR LITIGATION

3 Defendants argue that the applicants must go before the
4 advisory panel for review and, if dissatisfied, file a lawsuit.
5 The Judgment and Amended Judgment, however, state, "any legal
6 action", "not lawsuit." The defendants' position would create a
7 multiplicity of actions of an infinite number. That is, each
8 applicant and this Court will become subject to an unending loop
9 of lawsuit, orders, contempt; lawsuit, orders, contempt, et
10 cetera. Defendants are arguing that no court should exercise its
11 powers of contempt over these defendants. However, contempt is
12 the only real remedy that applicants have IF the Chief has "dug in
13 his heels." If the defendants will not follow this Courts'
14 Judgment and Orders, why would they follow any other court's
15 orders or judgments?

16 As initially briefed in the Memorandum of Points and
17 Authorities in Support of Order to Show Cause Re Contempt, this
18 Court does have the power of contempt.

19 This Court is the last opportunity for the named
20 plaintiffs/applicants to receive justice. They are all in harms'
21 way and only seek the ability to defend themselves within the
22 parameters established by the legislature.

23 These issues have already been litigated and have resulted in
24 this Judgment.


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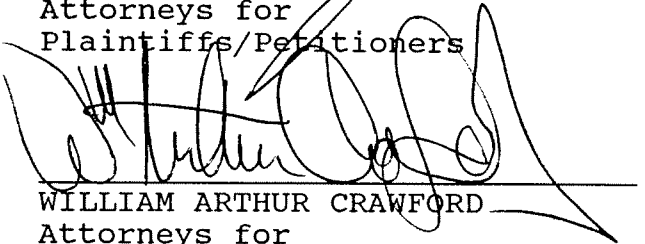
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Plaintiffs and/or applicants have established that defendants are in contempt of court beyond a reasonable doubt and defendants have offered no defense to this point.

Dated: July 22, 1998

Respectfully submitted,
BURTON C. JACOBSON and
WILLIAM ARTHUR CRAWFORD

By: 
BURTON C. JACOBSON
Attorneys for
Plaintiffs/Petitioners

By: 
WILLIAM ARTHUR CRAWFORD
Attorneys for
Plaintiffs/Petitioners

LOS ANGELES POLICE DEPARTMENT APPLICATION TO CARRY A CONCEALED FIREARM

LAST NAME (PRINT IN INK OR TYPE)		FIRST NAME		MIDDLE NAME		
RESIDENCE ADDRESS		CITY/STATE	ZIP CODE	RESIDENCE PHONE		
BUSINESS ADDRESS		CITY/STATE	ZIP CODE	BUSINESS PHONE		
OCCUPATION	SEX	RACE	HEIGHT	WEIGHT	COLOR HAIR	COLOR EYES
DATE OF BIRTH	PLACE OF BIRTH			CITIZENSHIP		
SOCIAL SECURITY NO.			DRIVER'S LICENSE/CALIF. ID NO.			

I CERTIFY THAT I AM KNOWLEDGEABLE IN THE USE AND SAFE HANDLING OF THE FIREARM(S) WHICH WILL BE LISTED ON THE LICENSE, AS INDICATED BY THE FOLLOWING: (CHECK ALL APPLICABLE BOXES)

- Completion of training from an Advanced Officer Training Institute approved by the California State Bureau of Collection and Investigative Services.
- Completion of Firearm Safety Training from Department of Fish and Game or other recognized association; e.g., National Rifle Association.
- Completion of Firearm Safety Training from a private firearms instructor.
- Completion of Firearm Training in the military service.
- Other (Attach explanation).

As a condition of issuance, I agree to indemnify the Chief of Police, the City of Los Angeles and its employees from any lawsuits associated with the use of this license to carry a concealed firearm, the privileges received, and/or any actions which I may take pursuant thereto.

SIGNATURE

DATE

ADMONITION

On October 9, 1986, the California State Supreme Court ruled, in C.B.S., INC. VS BLOCK, ET. AL., that information contained in this application is generally a matter of public record and, pursuant to the Public Records Act, a copy of the application will be provided to anyone who requests it.

SIGNATURE

DATE

Application to Carry a Concealed Firearm, page 2

YES	NO	
<input type="checkbox"/>	<input type="checkbox"/>	Do you now have, or have you ever had, a concealed firearm license? Agency: _____ Date: _____
<input type="checkbox"/>	<input type="checkbox"/>	If the conditions under which this license is issued should no longer exist, do you promise to notify the Chief of Police, and surrender the license if necessary?
<input type="checkbox"/>	<input type="checkbox"/>	Have you ever been arrested for a crime (felony, misdemeanor, infraction, traffic warrant, or accident)? If so, list the agency, date, charge, and disposition of the incident. (Use additional sheets if necessary).
<input type="checkbox"/>	<input type="checkbox"/>	Are you currently on parole or probation from any state or jurisdiction for a conviction of any criminal offense?
<input type="checkbox"/>	<input type="checkbox"/>	Are you now, or within the past three years have you been, under any restraining orders from any courts?
<input type="checkbox"/>	<input type="checkbox"/>	Are you now, or were you ever, addicted to the use of illegal narcotics or alcohol?
<input type="checkbox"/>	<input type="checkbox"/>	Have you ever received treatment for drug or alcohol-related abuse or illness?
<input type="checkbox"/>	<input type="checkbox"/>	Have you ever suffered from or had occasion to be hospitalized for mental or emotional problems?
<input type="checkbox"/>	<input type="checkbox"/>	Are you currently under the care of a doctor for any mental or physical illness?

Set forth a statement of facts from which the Chief of Police could establish that your needs are within the criteria used for the issuance of a concealed firearm license, and why in your opinion there are no other means whereby your personal safety can be assured. (Use additional sheets if necessary; attach whatever supporting documents that may assist in establishing justification for this request).

I do hereby agree to allow a background investigation of myself, and the contact of any person who may aid in this investigation to determine whether a concealed firearm license should or should not be issued, including my employer.

SIGNATURE

DATE

I hereby certify under penalty of perjury that the answers I have given herein are true and correct to the best of my knowledge and belief. I understand and agree to the provisions and conditions herein or otherwise imposed, and I have read and understand all the applicable statutes made and provided concerning the license to carry a concealed firearm in the State of California.

SIGNATURE

DATE

Application to Carry a Concealed Firearm, page 3

CONCEALED FIREARM LICENSE POLICY

In accordance with Penal Code Section 12050, and subject to Department procedure, any resident of the City of Los Angeles may obtain an application for authorization to carry a concealed firearm. Residents may obtain these applications from any community police station, or Parker Center (150 North Los Angeles Street). All applications shall be returned to the Gun Unit, Detective Headquarters Division, Parker Center for processing.

The issuance of licenses enabling private citizens to carry concealed firearms is of great concern to our Department. Our overriding policy is that no concealed firearm license should be granted merely for the personal convenience of the applicant. No position or job classification in itself should constitute good cause for the issuance or denial of a license. Each application shall be individually reviewed for cause.

Each applicant must demonstrate proof of residence and good character. In addition, good cause for the purposes of Penal Code Section 12050 shall exist only if the following elements prevail:

- 1 Convincing evidence of a clear and present danger to life or great bodily harm to the applicant, applicant's spouse, or dependent child;

The danger cannot be adequately dealt with by existing law enforcement resources;

The danger cannot reasonably be avoided by alternative measures; and

The danger would be significantly mitigated by the carrying of a concealed firearm.
- 2 The applicant possesses a valid certificate from an advanced officer training institution approved by the California State Bureau of Collection and Investigative Services, attesting to the applicant's satisfactory completion of at least twenty-four hours of training. (Alternative proof of firearms proficiency may be submitted for review and possible acceptance in lieu of this certification).

The residency requirement will be fulfilled upon presentation of an approved, recognized identification card and at least one recent utility bill or rent receipt. The cause requirement will only be fulfilled by thoroughly justifying the applicant's need to the Chief of Police or his designee on the application form. The character requirement will be fulfilled by, but not limited to, a criminal history check and background investigation.

In addition, the Department may place special limitations further limiting the time, place, and the circumstances under which the license is valid.

When each license is issued, the general restrictions and any special limitations will be noted on the reverse side.

Application to Carry a Concealed Firearm, page 4

APPLICATION TO CARRY A CONCEALED FIREARM INSTRUCTIONS

Applicants are required to complete an application in support of a concealed firearm license, as per the policy of the Office of the Chief of Police. The applicant is advised that all pages of the application are mandatory and must be completed thoroughly and correctly. If any part of the application is incomplete or incorrect, it shall be returned to the applicant.

The applicant shall include with his/her application, proof of residency within the City of Los Angeles. Proof of residency is defined as a copy of the following two items: a recognized California identification card and at least one recent utility bill or rent receipt showing the applicant's name and residence address.

The applicant is advised to read the enclosed concealed firearm license policy and to address the cited criteria within the application. Any copies of crime reports or other evidence that the applicant wishes to provide as support of good cause may be attached to the application.

All applications and related materials should be returned to the following address:

**LOS ANGELES POLICE DEPARTMENT
GUN UNIT - DHD
150 N. LOS ANGELES STREET, #309
LOS ANGELES, CA 90012**

Upon return of the completed application, the Gun Unit, Detective Headquarters Division, will then investigate the application and forward the completed investigation to the Office of the Chief of Police for consideration.

Should the Chief decide to grant a license, the applicant will be required to proceed to a licensed fingerprinting agency for the completion of two State of California fingerprint cards (Form # BID 7.5-90). The two completed fingerprint cards, along with a check/money order (made payable to the State of California, DOJ, for current processing charges) must be returned for processing through the Department of Justice, Criminal Records Section, as per state law, before the issuance of a license.

The applicant shall meet all conditions and requirements so ordered by the Chief of Police before receiving any license.

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DECLARATION OF ROBERT KAHN

I, ROBERT KAHN, declare:

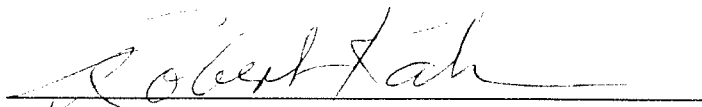
I am a competent adult over the age of twenty one years and a resident of the State of California, County of Los Angeles.

1. On July 22, 1998, at 9:30 A.m., I visited the Los Angeles Police Department, North Hollywood Station, for the purpose of obtaining the correct forms and information to apply for a permit to carry a concealed firearm.

2. I entered the building and went to the main desk and asked the Desk Officer for a CCF application and guidelines.

3. The Desk Officer said he didn't have any and at that time a detective told him where to look and he found one and I was handed the attached LAPD Form 12.49.1 (6/96) which is attached hereto as Exhibit "2A" and incorporated herein by reference as though fully set forth at this place.

I declare, under penalty of perjury, that the foregoing is true and correct except as to the statements made upon my information and belief and as to them, I believe them to be true and that this declaration was executed on July 22, 1998, at Beverly Hills, California.


ROBERT KAHN

LOS ANGELES POLICE DEPARTMENT APPLICATION TO CARRY A CONCEALED FIREARM

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As a condition of issuance, I agree to indemnify the Chief of Police, the City of Los Angeles and its employees from any lawsuits associated with the use of this license to carry a concealed firearm, the privileges received, and/or any actions which I may take pursuant thereto.

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_____ SIGNATURE	_____ DATE
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The applicant shall meet all conditions and requirements so ordered by the Chief of Police before receiving any license.

PROOF OF PERSONAL SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, JOYCE SAMILSON, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1111 West Sixth Street, Los Angeles, California 90017.

On July 23, 1998, I served the attached PLAINTIFFS AND/OR APPLICANTS' CLOSING BRIEF AS PER COURT ORDER OF JULY 9, 1998 on the interested parties in this action by HAND DELIVERING a copy thereof, before 10:00 a.m., enclosed in a sealed envelope, addressed as follows:

James K. Hahn, City Attorney
Frederick N. Merkin, Senior Assistant City Attorney
Byron Boeckman, Assistant City Attorney
1800 City Hall East
200 North Main Street
Los Angeles, CA 90012

Executed on July 23, 1998 at Los Angeles, California.

I DECLARE UNDER PENALTY OF PERJURY PURSUANT TO THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.



JOYCE SAMILSON