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**FILED**  
LOS ANGELES SUPERIOR COURT

OCT 23 1998

JOHN A. CLARKE, CLERK

*P. Cortez*  
BY P. CORTEZ, DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10

11 ANTHONY MARIO ASSENZA, )  
et al., )  
12 Plaintiffs/Petitioners, )  
13 vs. )  
14 CITY OF LOS ANGELES, et al., )  
15 Defendants/Respondents, )  
16 )  
17 )

CASE NO. BC 115813

DECLARATION OF DON B. KATES  
PROVIDING EXAMPLES OF  
OCCUPATIONAL OR EMPLOYMENT-  
BASED "GOOD CAUSE" FOR  
ISSUANCE OF A LICENSE TO CARRY  
A CONCEALED FIREARM

[Filed concurrently with  
Plaintiffs' Brief Pursuant to  
Court's Request of September  
25, 1998]

18

Date: November 25, 1998

19

Time: 10:30 a.m.

20

Dept: 14

21 Additional Attorneys for Plaintiffs:

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24  
25  
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1  
2 1. I am a member in good standing of the State Bar and have  
3 been associated as co-counsel by petitioners (plaintiffs) in the  
4 above-entitled case (Assenza).

5  
6 2. It should be understood that Assenza is one of multiple  
7 cases against defendants (respondents) raising identical issues.  
8 The first of those cases is one I brought jointly against them and  
9 the City of San Fernando, Lake v. City of San Fernando, L.A.  
10 Superior Court # PC 008329.

11  
12 3. The Assenza judgment was based upon the settlement-judgment  
13 in Lake and was virtually identical thereto, except that the names  
14 of the plaintiffs listed in ¶ D as persons to whom licenses would  
15 be issued differed.

16  
17 4. One element of the judgment in Lake was that certain named  
18 plaintiffs had good cause as defined in Pen. C. 12050 and were to  
19 have licenses issued to them (unless investigation determined that  
20 they were not of good character or were otherwise not qualified).

21  
22 5. Defendants had conducted no discovery in the case. Their  
23 argreement that these plaintiffs had good cause was based on their  
24 determination that, if true, the allegations about the plaintiffs  
25 in the complaint stated good cause and defendants would consider  
26 them to have good cause (unless information developed discrediting  
27 those allegations). See Judgment in Lake, ¶ D. It was expressly  
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1  
2 agreed between Deputy City Attorney Byron Boeckman and myself that  
3 these allegations exemplify good cause and should be considered to  
4 do so for the purpose of making licensing decisions in the future.

5  
6 6. For the foregoing reasons we offer the following plaintiff  
7 allegations from the Lake complaint as exemplars of "good cause"  
8 under the meaning thereof to which defendants have agreed and are  
9 bound by the terms of the judgment in Assenza as well as in Lake:

10 [¶ 8.] As hereinafter alleged, plaintiffs NEIL  
11 DUGAN, DIANE ADAIR, ROBERT OKLUSKI, ANTHONY IMBRONONE,  
12 CHARLES SINGER, GREG ADAMS are required by their jobs to  
13 travel by automobile, often at night and carrying large  
14 sums or valuable merchandise, throughout Southern  
15 California, including extremely dangerous areas which  
16 recently experienced violent civil unrest: ... Plaintiff  
17 DIANE ADAIR, a retailer and wholesaler of home water  
18 filters and other environmental products, resides in the  
19 North Hills area of the City of Los Angeles. Her business  
20 involves cash sales transactions at client homes, and at  
21 varied locations with retailers and sales personnel who  
22 must be paid commissions in cash or who pay plaintiff  
23 ADAIR cash for merchandise. Plaintiff ADAIR regularly  
24 carries with her merchandise or cash of a value exceeding  
25 of \$2,000.00. On occasion the value exceeds \$ 4,000.00.  
26 Plaintiffs OKLUSKI, SINGER AND IMBRONONE reside in the  
27 Chatsworth area of the City of Los Angeles. Plaintiff

1  
2 OKLUSKI is a delivery nursery owner and plant broker  
3 whose business involves a large volume of cash  
4 transactions. He regularly transports in his car  
5 thousands of dollars in cash; at least once a week he  
6 carries \$5,000.00 or more. Plaintiff SINGER is a realtor  
7 and automobile sales broker who travels by car throughout  
8 Southern California buying and selling both realty and  
9 automobiles. He regularly carries cash in excess of  
10 \$5,000.00. Plaintiff IMBRONONE is a gunsmith and  
11 regularly carries in his car as merchandise unloaded guns  
12 which he has received to work on. The average value of  
13 this merchandise is \$1,500.00; on occasion he carries  
14 merchandise worth in excess of \$5,000.00. GREG ADAMS, a  
15 music teacher, travels to and from students' homes at  
16 night in very dangerous areas.

17  
18 [¶ 9] Plaintiff MANUEL FERNANDEZ is a member in good  
19 standing of the Florida Bar who now resides in the North  
20 Hills area of the City of Los Angeles. Plaintiff  
21 FERNANDEZ works as an investigator, law clerk and para-  
22 professional for a Southern California law firm engaged  
23 in handling criminal cases. In the course of  
24 investigating those cases he is required to travel at  
25 night into very dangerous areas and to deal with  
26 dangerous individuals who may take offense at his  
27 questioning of them (or of others about them and their  
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2 affairs). He is also required in some instances to serve  
3 process after dark in such areas and upon such dangerous  
4 individuals.

5  
6 [¶ 10.] Plaintiff BRIAN COOLEY is news director of  
7 radio station KKWB-FM. As such he is required by his  
8 employment to go to every area of the City and the County  
9 of Los Angeles to cover riots and other violent  
10 occurrences including murders, robberies, rapes and  
11 aggravated assaults. By reason of such activities, and/or  
12 simply because he is a prominent news personality, he is  
13 the recipient of death threats on a continuing basis. The  
14 potential seriousness of such threats is emphasized by  
15 the shootings of Jerry Dunphy, Alan Berg, John Lennon and  
16 Rebecca Schaeffer, the knifing of Theresa Saldana and the  
17 stalking of innumerable other media personalities  
18 including David Letterman and Sharon Gless.

19  
20 [¶ 13.] Plaintiff O. RAY WATKINS is a newspaper  
21 publisher, bail bondsman and licensed private  
22 investigator in South Central Los Angeles. In addition to  
23 the reasons for CCW licensure applicable to plaintiff  
24 COOLEY, plaintiff WATKINS is frequently required to carry  
25 large sums of cash on his person through dangerous areas.  
26 As a newspaper publisher he receives constant death  
27 threats, his windows have been smeared with paint and  
28

1  
2 excrement, bullets have been fired through them and one  
3 of his offices has been the subject of an arson attack.  
4 He desires a CCW license in order to protect himself and  
5 to resume his plain clothes security employment as  
6 hereinafter set out.

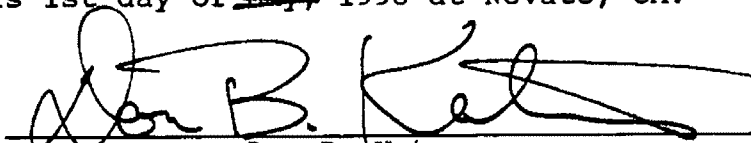
7  
8 [¶ 14.] Plaintiff WATKINS had a CCW license from the  
9 City of Long Beach from 1957 to 1985. The license was not  
10 renewed in 1985 simply because the Long Beach Police  
11 Department unlawfully terminated all CCW licensure. The  
12 license was originally issued to plaintiff WATKINS in his  
13 trade as a licensed private investigator. By reason of  
14 its possession he was able to perform a variety of plain  
15 clothes security and related activities including body  
16 guarding high profile, and other, clients. Among his  
17 clients were numerous bail bondsmen who, like plaintiff  
18 WATKINS' himself, often receive thousands of dollars in  
19 cash which must be guarded up to, and through, the  
20 process of depositing it in a bank. By reason of the non-  
21 renewal of his permit in 1985 plaintiff WATKINS' income  
22 was diminished and he found it virtually impossible to  
23 continue working in plain clothes security.

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25 [¶ 15.] Plaintiff JAMES E. HILDEBRAND resides, and  
26 his business is located in, the North Valley area of the  
27 City of Los Angeles. He is the last person known to  
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2 plaintiffs to have had a \$ 12050 license issued by the  
3 CITY OF LOS ANGELES. The good cause for its issuance then  
4 -- and at all times since -- was and is that he was and  
5 is an insurance and investment broker who constantly  
6 travels by car throughout Los Angeles, receiving  
7 thousands of dollars in cash investments or premiums,  
8 often in sums exceeding \$5,000.00, which he must carry  
9 with him until he can deposit them. Though plaintiff  
10 HILDEBRAND's good cause remained (and remains) the same,  
11 he was denied renewal of his license in 1974. The only  
12 reason given him by defendants, their predecessors and  
13 representatives was that the City of Los Angeles was  
14 terminating all CCW licensure.

15  
16 VERIFICATION

17 I certify and declare under penalty of perjury under the laws  
18 of the State of California that the foregoing is true and correct.  
19 Executed this 1st day of <sup>October</sup> ~~May~~ 1998 at Novato, CA.

20  
21   
22 Don B. Kates

