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 Los Angeles Superior Court

JUL 20 2011

John A. Clarke, Executive Officer/Clerk
 By SHAUNYA WESLEY, Deputy

11 Attorneys for Plaintiffs/Petitioners

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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. BC115813
17 Plaintiffs and Petitioners,)	[Assigned to the Hon. Terry A. Green, Dept. 14]
18 vs.)	DECLARATION OF JOSHUA R. DALE IN SUPPORT OF MOTION TO CONSOLIDATE
19)	Hearing Date/Time: August 18, 2011
20 THE CITY OF LOS ANGELES, et al.)	Time: 8:45 a.m.
21 Defendants and Respondents.)	Dept. No.: 14
22)	Hearing Judge: Hon. Terry Green
23)	CASE NO. BS131915
24 DAVID R. DAVIS an individual, JACOB DANIEL HILL an individual, BRIAN GOLDSTEIN an individual, PAUL COHEN an individual, JILL BROWN an individual, CHRIS BUTLER an individual, SCOTT AUSTIN an individual, ERIC FEDER an individual, LISA SIEGEL an individual, et al.,)	[Assigned to the Hon. James C. Chalfant, Dept. 85]
25)	
26)	
27)	
28 Plaintiffs and Petitioners,)	
vs.)	

1 CITY OF LOS ANGELES; CITY OF LOS)
ANGELES POLICE DEPARTMENT;)
2 POLICE CHIEF CHARLIE BECK, in his)
capacity as a Managing Agent of City of Los)
3 Angeles Police Department; and DOES 1-)
500, Inclusive,)
4)
5 Defendants and Respondents.)

6
7 **DECLARATION OF JOSHUA R. DALE**

8 I, Joshua R. Dale, declare as follows:

9 1. I am an attorney for Plaintiffs/Petitioners in *Anthony Mario Assenza, et al. v. The*
10 *City of Los Angeles, et al.*, Case No. BC115813. I am also an attorney for Plaintiffs/Petitioners in
11 *David R. Davis, et al. v. The City of Los Angeles, et al.*, Case No. BS131915. I have personal
12 knowledge of each fact stated in this declaration.

13 2. Case No. BC115813, entitled *Anthony Mario Assenza, et al. v. The City of Los*
14 *Angeles, et al.*, was commenced on November 4, 1994. Plaintiffs challenged the issuance, or lack
15 thereof, of carry concealed weapons (“CCW”) permits pursuant to Penal Code section 12050.
16 After complicated settlement negotiations, on March 21, 1995, Defendants/Respondents City of
17 Los Angeles, the City of Los Angeles Police Department (“LAPD”), the Los Angeles Board of
18 Commissioners, and the Chief of Police of the City of Los Angeles entered into a Stipulation for
19 Entry of Judgment. A Judgment for Declaratory Relief was subsequently entered on March 30,
20 1995. It has been amended three times to keep it current with the changes of the Chief of Police
21 of the City of Los Angeles. The Judgment of Declaratory Relief has also been subject to a
22 clarifying Order entered in 1998.

23 3. Case No. BS131915, entitled *David R. Davis, et al. v. The City of Los Angeles, et*
24 *al.*, was commenced on May 18, 2011. The *Davis* Petition for Writ of Mandate, Prohibition
25 and/or Other Appropriate Relief is brought by nine citizens of the City of Los Angeles who have
26 sought CCW permits from the LAPD and its Police Chief, but have been denied such permits, or
27 whose applications have been otherwise so frustrated as to amount to an effective denial of their
28 permits.

1 4. The *Davis* writ of mandate was filed, and is directly based on, the *Assenza*
2 Defendants/Respondents' failure to abide by, and adhere to, the terms of the *Assenza* Third
3 Amended Judgment of Declaratory Relief and the 1998 clarifying Order. Specifically, the *Davis*
4 Plaintiffs/Petitioners assert that Defendants/Respondents continuously fail to provide a copy of
5 their LAPD CCW policy and CCW application to all prospective CCW applicants, fail to notify
6 all CCW applicants of the existence of the Advisory Review Panel, and fail to promptly submit
7 and reconsider all denied CCW applicants which the advisory panel reaches a decision different
8 from the Chief's on such application. Because the *Davis* Plaintiffs/Petitioners' rights are directly
9 affected by the Order and Judgment in *Assenza*, Plaintiffs/Petitioners have asked the Court to
10 issue a writ of mandate to enforce the *Assenza* Third Amended Judgment of Declaratory Relief in
11 order to provide Plaintiffs/Petitioners with the benefit of the procedures set forth in the *Assenza*
12 judgment. Plaintiffs/Petitioners further seek the issuance of a writ of prohibition to prevent
13 Defendants/Respondents from engaging in noncompliance in the future, as well as the imposition
14 of monetary sanctions for Defendants/Respondents' noncompliance.

15 5. Eight of these nine *Davis* Plaintiffs/Petitioners also provided declarations in the
16 May 4, 2011 *Assenza* motion to enforce the judgment and for monetary sanctions. This motion
17 sought to enforce the procedural terms of the *Assenza* Judgment of Declaratory Relief and 1998
18 Order. Defendants/Respondents have failed to make available both a copy of the LAPD CCW
19 policy *and* a CCW application at every LAPD precinct or station house.

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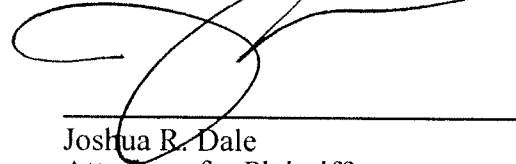
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1 6. Both *Assenza* and *Davis* involve common questions of law and fact. Consolidation
2 of these actions will avoid the risk of inconsistent rulings, reduce the costs and delay resulting
3 from multiple hearings, and conserve judicial resources. Furthermore, consolidation will not
4 unduly complicate the trial in this action, nor confuse the judge, because common issues relating
5 to the *Assenza* Judgment and 1998 Order will predominate.

6 I declare under the penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.

8 Dated: July 19, 2011

MICHEL & ASSOCIATES, P.C.



Joshua R. Dale
Attorneys for Plaintiffs

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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 July 19, 2011, I served the foregoing document(s) described as

**DECLARATION OF JOSHUA R. DALE IN SUPPORT OF
MOTION TO CONSOLIDATE**

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

“SEE ATTACHED SERVICE LIST”

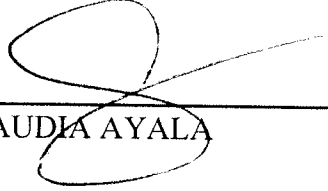
X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course 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 July 19, 2011, at Long Beach, California.

— (PERSONAL SERVICE) I caused such envelope to delivered by hand to the offices of the addressee.
Executed on July 19, 2011, 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 July 19, 2011, 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

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“SERVICE LIST”

ANTHONY MARIO ASSENZA, et al. v. THE CITY OF LOS ANGELES, et al.

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