

JUL 20 2011

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12

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)
19 vs.) **NOTICE OF MOTION AND MOTION TO**
20 THE CITY OF LOS ANGELES, et al.) **CONSOLIDATE; DECLARATION OF**
21 Defendants and Respondents.) **JOSHUA R. DALE IN SUPPORT OF**
22) **MOTION TO CONSOLIDATE**
Hearing Date/Time: August 18, 2011
Time: 8:45 a.m.
Dept. No.: 14
Hearing Judge: Hon. Terry Green

23)
24 DAVID R. DAVIS an individual, JACOB) CASE NO. BS131915
DANIEL HILL an individual, BRIAN)
25 GOLDSTEIN an individual, PAUL COHEN) [Assigned to the Hon. James C. Chalfant, Dept.
an individual, JILL BROWN an individual,) 85]
26 CHRIS BUTLER an individual, SCOTT)
AUSTIN an individual, ERIC FEDER an)
27 individual, LISA SIEGEL an individual, *et*)
al.,)
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 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

8 **PLEASE TAKE NOTICE** that on August 18, 2011, in Department 14 of the above-
9 identified court, located at 111 North Hill Street, Los Angeles, California 90071, Plaintiffs in this
10 matter, *Anthony Mario Assenza, et al. v. The City of Los Angeles, et al.*, Los Angeles County
11 Superior Court Case No. BC115813, will move the Court for an Order consolidating this action
12 with the matter of *David R. Davis, et al. v. City of Los Angeles, et al.*, Los Angeles County
13 Superior Court Case No. BS131915.

14 The motion is brought under Code of Civil Procedure section 1048, and is based on both
15 cases involving the same questions of fact and law, both cases utilizing the same witnesses, and
16 that consolidation will promote judicial economy in light of these circumstances. Consolidation
17 will avoid unnecessary costs and delay as both cases can be tried as a single case, eliminating the
18 costs and expense of a second trial on the same facts. Therefore, consolidation is requested for all
19 purposes.

20 The parties named in *Assenza, et al. v. City of Los Angeles, et al.*, Case No. BC115813 are
21 Plaintiffs/Petitioners Anthony Mario Assenza, Robert James Byrant, William Arthur Crawford,
22 Paul Steven Dwan, Bruce Harold Edelman, Ology Erle Gibson, Terry Homer Harden, Richard
23 Alan Hochberg, Burton Charles Jacobson, Thomas Michael Kutrosky, Yarom Limor, Marshall
24 Clifford Mars, John R. Martin, Robert Kellogg Miller, Michael Scott Ontiveros, Ted Pasternack,
25 Victor Donald Rappoport, Jesse Donald Rich, Jerome Martin Rodensberg, Joel C. Schlossman,
26 Nathan David Schlossman, Carlos Sedillo, Sanford Shire, Bernice Sharon Silver, Richard Clayton
27 Temme, John Harris Thaler, Donna Lynne Thomas, Gary Brian Tigar, Kent Lee Turnipseed,
28 David Alan Yochelson. Defendants/Respondents are the City of Los Angeles, the City of Los

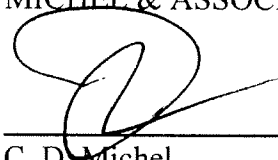
1 Angeles Police Department (“LAPD”), the LAPD Chief of Police, and the LAPD’s Board of
2 Police Commissioners. Witnesses in the *Assenza* case are David R. Davis, Jacob Daniel Hill,
3 Brian Paul Sohan Goldstein, Paul Cohen, Scott Austin, Jill Brown, Lisa Siegel, and Chris Butler.
4 Plaintiffs/Petitioners are represented by Burton C. Jacobson, C.D. Michel, Joshua R. Dale, and
5 Tamara M. Rider. Defendants/Respondents are represented by Carmen A. Trutanich, Carlos De
6 La Guerra, and Debra L. Gonzales.

7 The parties named in *David R. Davis, et al. v. The City of Los Angeles, et al.*, Case No.
8 BS131915 (and the same witnesses in *Assenza*) are Plaintiffs/Petitioners David R. Davis, Jacob
9 Daniel Hill, Brian Paul Sohan Goldstein, Paul Cohen, Scott Austin, Jill Brown, Lisa Siegel, Chris
10 Butler, and Eric Feder. Defendants/Respondents are the City of Los Angeles, the LAPD, the
11 LAPD Chief of Police, and the LAPD’s Board of Police Commissioners. Plaintiffs/Petitioners are
12 represented by C.D. Michel, Joshua R. Dale, Tamara M. Rider, and Burton C. Jacobson.
13 Defendants/Respondents are represented by Carmen A. Trutanich, Carlos De La Guerra, and
14 Debra L. Gonzales.

15 The motion shall be based on this notice, the attached memorandum of points and
16 authorities, the supporting declaration of Joshua R. Dale, all pleadings and papers currently on file
17 in this matter, and any arguments raised at hearing on this motion.

18 Dated: July 19, 2011

MICHEL & ASSOCIATES, P.C.



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Joshua R. Dale
Attorneys for Plaintiffs

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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 The *Davis* matter is a writ for petition of mandate brought by nine citizens of the City of
4 Los Angeles (the “City”) who have sought concealed carry weapons (“CCW”) permits from the
5 Los Angeles Police Department (“LAPD”) and its Police Chief, but have been denied such
6 permits, or whose applications have been otherwise so frustrated as to amount to an effective
7 denial of their permits.

8 The *Assenza* matter relates to an ongoing consent decree entered into between plaintiff
9 CCW holders, the City, the LAPD and the Chief, regarding how the City is required to handle
10 applications for CCW permits, such as, e.g., the *Davis* petitioners’ applications. Originally
11 entered as a Stipulated Judgment in 1995, it has been subsequently amended three times and has
12 been subject to a clarifying Order entered in 1998.

13 Currently, both *Davis* and *Assenza* seek judicial relief regarding Defendants/Respondents’
14 failure to adhere to the *Assenza* Judgment and 1998 Order, thereby making consolidation the most
15 appropriate and best economical means of managing these two cases.

16 II. STATEMENT OF FACTS

17 A. *Assenza, et al. v. The City of Los Angeles, et al. Procedural History*

18 In 1994, the *Assenza* plaintiffs alleged that the City and the LAPD were violating Penal
19 Code section 12050 by the manner in which applications for CCWs were processed by the LAPD
20 and the Chief. The *Assenza* plaintiffs alleged that the LAPD’s handling of CCW applications was
21 inconsistent, resulted in the unlawful denial of CCW applications even where good cause under
22 Section 12050 was shown, and ultimately the City’s procedure did not minimally comply with the
23 City’s and the LAPD’s requirements under Section 12050 for taking and considering CCW
24 applications. (See Declaration of Joshua R. Dale at ¶ 2).

25 As a result of the *Assenza* litigation, a Stipulated Judgment was entered between plaintiffs,
26 the City the LAPD, and the Chief in 1995, requiring the LAPD to issue CCW permits to the
27 *Assenza* Plaintiffs. The parties also negotiated a specific written procedure by which the LAPD
28 was required to handle all *future* CCW permit applications by citizens. (See Dale Decl., ¶ 2).

1 Since the 1995 Judgment, the *Assenza* plaintiffs were forced to file contempt motion
2 asserting 24 different counts relating to Defendants/Respondents' failure to provide copies of the
3 CCW guidelines and CCW application to the public, failure to renew licenses of specified
4 individuals before the lapse date, and the implementation of false and misleading guidelines
5 adopted in violation of the Judgment. As a result of this contempt motion, a clarifying Order was
6 entered in 1998 by Judge Alan Buckner. (See Dale Decl., ¶ 2).

7 The July 29, 1998 Order required each and every sworn Commanding Officer of the 18
8 Regional Los Angeles Police Department Stations or Divisions to file a declaration, attesting to
9 the following:

- 10 First: His or her receipt, on or about 23 July, 1998, of the two-page document
11 headed "Los Angeles Police Department Concealed Weapon Permit
12 Policy"¹ issued late on 22 July 1998 pursuant to the verbal order of
 Commander Bruce E. Hagerty, Acting Commanding Officer, Operations
 Headquarters Bureau, Parker Center.
- 13 Second: His or her ready familiarity with and understanding of the terms of such
14 statement of the Los Angeles Police Department's Policy.
- 15 Third: Acknowledgment by each declarant that his or her oath of office requires
 obedience to such policy.
- 16 Fourth: Verification by each such declarant of the present and future availability to
17 any applicant for a concealed firearms license of both a copy of such
18 statement of policy and of Los Angeles Police Department Form 12.49.1,
 Edition 6/96 application for concealed weapons license.
- 19 Fifth: Verification by each such declarant that those sworn or civilian personnel at
20 each of the Departments 18 regional stations or divisions has been
21 specifically instructed through roll call or other formal means as to the
 specific desk or office within each of such 18 facilities to which such
 applications and statements of policy have been delivered in accordance
 with the 22 July 1998 verbal order of Commander Hagerty.²

22 Per the 1998 Order, the Defendants filed their Notice of Lodging of Declarations from
23 their Commanding Officers attesting to the statements as required by the July 29, 1998 Order.³

24
25 ¹ A true and correct copy of the LAPD Concealed Weapon Policy is attached
26 hereto as Exhibit A.

27 ² Order at 1-3, *Assenza v. City of Los Angeles*, No. BC115813 (July 29, 1998)
(emphasis added). A true and correct copy of this Order is attached hereto as Exhibit B.

28 ³ See Notice of Lodging of Declarations, *Assenza v. City of Los Angeles*, No.
BC115813. Plaintiffs/Petitioners will file such declarations if the Court so requests.

1 Every declaration set forth the same eight fact statements, three of which were:

2 4. I understand that as a Captain of the Police I am responsible to and have a duty
3 to ensure that the policy [LAPD Concealed Weapon Permit Policy] is obeyed so
4 long as it is in effect.

5 5. I have instructed that both the Los Angeles Police Department forms 12.49.1,
6 dated June, 1996, and the "LAPD Concealed Weapon Permit Policy" be made
7 available for distribution at the front desk area station and that both forms be
8 distributed to any person who asks for an application to carry a concealed weapon.

9 6. I have further directed that every person assigned the front desk be instructed
10 that any person requesting an application for a concealed weapon permit be
11 provided with both the application Form 12.49.1 and the attached LAPD Concealed
12 Weapon Policy.

13 On November 4, 1998, the *Assenza* parties entered in a stipulation for settlement relating
14 to Plaintiffs' contempt motion.

15 Since then, the *Assenza* Judgment has been amended several times to ensure that it is
16 updated to reflect the current LAPD Police Chief as a proper party and give the Judgment
17 continuing effect.

18 On June 11, 2010, the Honorable Terry Green signed the current Third Amended Judgment
19 of Declaratory Relief. A true and correct copy of the Third Amended Judgment of Declaratory
20 Relief is attached hereto as Exhibit C.

21 **B. Recent Enforcement Filings in *Assenza, et al v. The City of Los Angeles, et al.***

22 On May 4, 2011, the *Assenza* plaintiffs filed a motion to enforce judgment and for
23 monetary sanctions in the amount of \$2,500. Plaintiffs' motion asserted that
24 Defendants/Respondents are failing to comply with the *Assenza* Judgment and 1998 Order.

25 Plaintiffs specifically assert that Defendants/Respondents are again failing to consistently
26 provide to the public a copy of the LAPD CCW policy and a CCW application when requested.
27 Witnesses who provided declarations in support of the *Assenza* plaintiffs' motion were David R.
28 Davis, Jacob Daniel Hill, Brian Paul Sohan Goldstein, Paul Cohen, Scott Austin, Jill Brown, Lisa
Siegel, and Chris Butler.

On June 9, 2011 the parties appeared before the Honorable Terry Green to discuss the
merits of Plaintiffs' motion. The following was ordered to be completed by September 7, 2011:

- 1 1. Defendants/Respondents must provide Plaintiffs with all contact information of
2 each and every concealed carry weapons [CCW] license applicant who has applied
3 to Defendants/Respondents for a CCW license since July 29, 1998, the date of
4 Judge Buckner's Order.
- 5 2. Defendants/Respondents must file with the Court sworn and signed declarations
6 from every Commanding Officer at each of the [LAPD's] 21 station houses and
7 precincts. The declarations of each Commanding Officer must attest to his or her
8 compliance with the *Assenza* Judgment, specifically indicating what affirmative
9 steps he or she has taken to ensure compliance both the *Assenza* Judgment and
10 Judge Buckner's Order.
- 11 3. Defendants/Respondents must provide a link on the [LAPD's] website,
12 <lapdonline.org>, allowing members of the public who view the Department's
13 website to easily locate, read, download, and print both the Department's CCW
14 policy and the California Department of Justice CCW Standard Application.

15 **C. *David R. Davis, et al. v. The City of Los Angeles, et al. Writ of Mandate***

16 On May 18, 2011 Petitioners in *David R. Davis, et al.* filed their Petition for Writ of
17 Mandate, Prohibition, and/or Other Appropriate Relief against Defendants/Respondents City of
18 Los Angeles, the LAPD, the LAPD Chief of Police, and the LAPD's Board of Police
19 Commissioners. (See Dale Decl., ¶ 3; see also *David R. Davis, et al. v. City of Los Angeles, et al.*,
20 Case No. BS131915).

21 The *Davis* petition for writ of mandate is brought by nine citizens of the City of Los
22 Angeles who have sought CCW permits from the LAPD and its Police Chief, but have been
23 denied such permits, or whose applications have been otherwise so frustrated as to amount to an
24 effective denial of their permits. Eight of the nine *Davis* petitioners are the same witnesses
25 utilized in the May 4, 2011 *Assenza* motion to enforce the judgment and for monetary sanctions.
26 (See Dale Decl., ¶¶ 3, 5).

27 The *Davis* petitioners assert that respondents continuously fail to provide copies of the
28 LAPD CCW policy and CCW application to all prospective CCW applicants, fail to notify all
CCW applicants of the existence of the Advisory Review Panel, and fail to promptly reconsider all
denied CCW applicants where the Advisory Panel recommends issuance. The *Davis* petitioners
also allege that respondents have adopted a *de facto* policy of denying all CCW permit
applications, even where good cause has been shown and the Advisory Panel has recommended
issuance.

1 Because the *Davis* petitioners' rights are directly affected by the Judgment and Order in
2 *Assenza*, the *Davis* petitioners requested relief includes asking the Court to issue an Order to
3 respondents requiring respondents to immediately comply with the *Assenza* Third Amended
4 Judgment of Declaratory Relief as it relates to petitioners' pending CCW applications. Petitioners
5 further seek the issuance of a writ of prohibition to prevent respondents from engaging in
6 noncompliance in the future, as well as the imposition of monetary sanctions for respondents'
7 noncompliance. (See Dale Decl., ¶ 4).

8 Thus, the *Davis* petitioners seek relief in their writ petition in the form of enforcement of
9 the *Assenza* judgment; this is precisely what the *Assenza* plaintiffs currently seek by way of their
10 motion and the City's pending compliance with the Court's order on that motion.

11 The parties are scheduled to appear for a hearing on the *Davis* petition on August 25, 2011.

12 **II. ARGUMENT**

13 **A. *Assenza* and *Davis* Involve Common Questions of Law and Fact** 14 **Appropriate for Consolidation**

15 The Court has express authority under the Code of Civil Procedure to consolidate actions
16 where common questions of law or fact exist among two or more cases. Specifically, Code of
17 Civil Procedure section 1048(a) provides:

18 (a) When actions involving a common question of law or fact are pending before
19 the court, it may order a joint hearing or trial of any or all the matters in issue in the
20 actions; it may order all the actions consolidated and it may make such orders
concerning proceedings therein as may tend to avoid unnecessary costs or delay.

21 “Under the statute and the case law, there are thus two types of consolidation: a
22 consolidation for purposes of trial only, where the two actions remain otherwise separate; and a
23 complete consolidation or consolidation for all purposes, where the two actions are merged into a
24 single proceeding under one case number and result in only one verdict or set of findings and one
25 judgment.” (*Hamilton v. Asbestos Corp., Ltd.* (2000) 22 Cal.4th 1127, 1147). “Complete
26 consolidation is correct where no doubts exists as to the applicability of the various findings to
27 each of the consolidated cases [] or where the plaintiffs could have joined together originally to
28 bring the action [].” (Kiesel, Lichtman, Matthai, Seabolt, *Cal. Pretrial Civ. Proc.* (Matthew

1 Bender Prac. Guide 2007) ¶ 32.08[4], p. 32-24, citing *Page v. Bakersfield Uniform & Towel*
2 *Supply Co.* (1966) 239 Cal.App.2d 762, 772, and *Jaffe v. Albertson Co.* (1966) 243 Cal.App.2d
3 592, 606-07.)

4 In this case, complete consolidation of *Assenza* and *Davis* is appropriate given that both
5 cases directly arise from, and relate to, common questions of law with respect to the *Assenza*
6 Judgment and 1998 Order, and pertain to similar facts relating to Defendants/Respondents'
7 procedure for taking and issuing CCW permits under the *Assenza* criteria. Furthermore, eight of
8 the nine declarations provided in the *Davis* writ of mandate are utilized in the *Assenza* motion to
9 enforce as evidence that Defendants/Respondents' are failing to provide a copy of the LAPD
10 CCW policy and CCW application to the public at all of its precincts and station houses. The
11 *Davis* writ of mandate further asserts that Defendants/Respondents fail to notify all CCW
12 applicants of the existence of the Advisory Review Panel and fail to promptly submit and
13 reconsider all denied CCW applicants which the advisory panel reaches a different decision as
14 required by the *Assenza* Judgment.

15 Because both *Assenza* and *Davis* arise from common questions of law or facts which
16 involve the same or substantially identical transactions, incidents, or events, and because the *Davis*
17 petitioners rights are directly affected by the Judgment and Order in *Assenza*, complete
18 consolidation of both *Assenza* and *Davis* is warranted. (See Dale Decl., ¶ 6).

19 **B. Consolidation Factors Weigh In Favor of Consolidation**

20 To determine whether consolidation is appropriate, the Court should consider the
21 following factors: 1) timeliness of the motion, 2) complexity of the actions, and/or 3) prejudice to
22 any party. (See Weil & Brown, *Cal. Prac. Guide: Civil Procedure Before Trial* (The Rutter Group
23 2011) ¶ 12:362, p. 12(I)-66.)

24 **1. Plaintiffs/Petitioners' Consolidation Motion is Timely and Brought**
25 **Without Delay**

26 Foremost, there is no statutory deadline to bring a motion to consolidate, and a motion
27 brought at any time during the proceedings is essentially timely. To ensure that neither *Assenza*
28 nor *Davis* are delayed, and to promote judicial economy, however, Plaintiffs/Petitioners have

1 promptly brought this motion within two months after the initial filings in both matters. Because
2 the *Davis* writ of mandate hearing is not scheduled until August 25, 2011 and the parties in
3 *Assenza* are not ordered to appear until after September 7, 2011, consolidation at this point would
4 not adversely affect either action and would instead avoid unnecessary costs, and duplication of
5 law and motion, and inconsistent finding in the actions.

6 **2. Neither *Assenza* Nor *Davis* Are Complex Actions**

7 Neither *Assenza* nor *Davis* are complex actions which would cause either a jury or a judge
8 to be confused if these matters were consolidated. (See, e.g., *State Farm Mut. Auto. Ins. Co. v.*
9 *Superior Court, In and For City and County of San Francisco* (1956) 47 Cal.2d 428, 431 finding
10 that consolidation is not appropriate where the jury would be confused “in determining under
11 differing tests set out in the instructions the consequences of any particular factual situation which
12 the jury might find to exist.”)

13 In these cases, however, since the *Davis* plaintiffs’ rights are directly related to and
14 affected by the Judgment and Order in *Assenza*, and because the main issue in both *Assenza* and
15 *Davis* is whether Defendants/Respondents have either intentionally or negligently failed to comply
16 with the *Assenza* Judgment and Order, consolidation would not confuse the jury or judge. Rather,
17 consolidation would ensure that rulings in both the *Assenza* and *Davis* matters are consistent with
18 regard to Defendants/Respondents’ ongoing obligations under the *Assenza* Judgment and 1998
19 Order.

20 **3. Defendants/Respondents Will Not Be Prejudiced in Either**
21 ***Assenza* or *Davis***

22 Actions may be consolidated at the Court’s discretion whenever it can be done without
23 prejudicing the rights of any party. (See *Strickler Co. v. Eisner* (1935) 5 Cal.App.2d 441, 444).
24 The fact that the plaintiffs in *Assenza* are different than the petitioners in *Davis* does not preclude
25 consolidation nor prejudice either party. (See *Jud Whitehead Heater Co. v. Obler* (1952) 111
26 Cal.App.2d 861, 867). Rather, Defendants/Respondents would be greatly benefitted by having
27 both actions consolidated in that the Defendants/Respondents will not be subject to potentially two
28 different, inconsistent instructions from the Court – one in *Davis*, and one in *Assenza*, that could

1 leave Defendants/Respondents unable to comply with one order without necessarily violating the
2 other.⁴

3 In both *Assenza* and *Davis*, the Defendants/Respondents are the *exact* same parties.
4 Furthermore, Defendants/Respondents will be asserting the same or similar arguments in both
5 *Assenza* and *Davis*, attesting to whether they have truly complied with the *Assenza* Judgment and
6 1998 Order. Because the witnesses, evidences, and practices of Defendants/Respondents in both
7 *Assenza* and *Davis* are intimately related, consolidation of the actions would promote convenience
8 for the parties and conserve judicial resources as a whole.

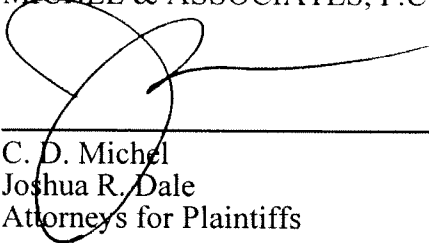
9 Therefore, all of these factors weigh in favor of consolidation and are conducive for
10 expedition of both *Assenza* and *Davis*.

11 **III. CONCLUSION**

12 For the above stated reasons, *the Assenza* plaintiffs request an Order consolidating their
13 action with the *Davis* matter.

14 Dated: July 19, 2011

MICHEL & ASSOCIATES, P.C.



C. D. Michel
Joshua R. Dale
Attorneys for Plaintiffs

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24 ⁴ For example, the Court in *Assenza* has already ordered specific steps
25 Defendants/Respondents must take to comply with the Judgment, such as, e.g., disclosing
26 the identities of CCW applicants since the 1998 Order to help the Court and plaintiffs
27 determine Defendants/Respondents' track record of compliance with the *Assenza*
28 Judgment. If the matters remain unconsolidated, the Court in *Davis* could order different
relief that conflicts with the 2011 *Assenza* Order, including ordering that
Defendants/Respondents not disclose such information to petitioners. This sort of
contradiction would leave Defendants/Respondents in the position of having to defy one
Court's order to comply with the other.

EXHIBIT A

LAPD CONCEALED WEAPON LICENSE POLICY

Pursuant to California Penal Code Section 12050, in the City of Los Angeles, the Chief of Police of the Los Angeles Police Department ("LAPD") may issue a license to a person to carry a pistol, revolver, or other firearm capable of being concealed upon the person upon proof that the person applying for the license is of good moral character, that good cause exists for the issuance of the license, that the person is a resident of the City of Los Angeles, and that the person has completed a required course of training.

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

The following further rules and guidelines are provided for the interpretation and implementation of this policy:

INTRODUCTORY

The department recognizes that Penal Code 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 irresponsible attitudes, or threats, toward or regarding the use of firearms or other dangerous instrumentalities shall be grounds for denial or revocation of a license.

CRITERIA FOR LICENSURE

Training. A new license applicant must furnish proof to the department that he or she has successfully completed a course of training in the carrying and use of firearms established pursuant to Section 7585 of the California Business and Professions Code or some other course acceptable to the department which includes the following subjects of training: knowledge of California laws regarding weapons and deadly force use; safe handling, carriage, use and storage of concealable firearms; and competency with the types of firearms to be listed on the license.

LAPD CONCEALED WEAPON LICENSE POLICY

Such course does not need to exceed 16 hours. For license renewal applicants, the course of training may be any course acceptable to the department, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

Good Cause. Good cause shall be deemed to exist, and a license will issue in the absence of strong countervailing factors, upon a showing of any of the following circumstances: a) The applicant is able to establish that there is an immediate or continuing threat, express or implied, to the applicant's safety, or the applicant's family's safety, and that no other reasonable means exist which would suffice to neutralize that threat. b) The applicant is employed in the field of security, has all requisite licenses, is employed by a security firm having all requisite licenses, and provides satisfactory proof that his or her work is of such a nature that it requires the carrying of a concealed weapon. c) The applicant has obtained, or is a person included within the protections of, a court order which establishes that the applicant is the on-going victim of a threat or physical violence or otherwise meets the criteria set forth in Penal Code Section 12025.5. d) The applicant establishes that circumstances exist requiring him or her to transport in public significant amounts of valuable property which it is impractical or impracticable to entrust to the protection of armored car services or equivalent services for safe transportation of valuables. e) The applicant establishes that he or she is subject to a particular and unusual danger of physical attack and that no reasonable means are available to abate that threat.

Favorable Factors. Among facts upon which the department will, in the exercise of its discretion, look favorably in considering applications are whether: a) the applicant has a demonstrated record of responsible handling of firearms; b) the applicant has a commitment to safe and responsible handling of firearms as shown by having voluntarily taken firearms training; c) the applicant has a record of good citizenship in general as evidenced, for instance, by service to the community through such activities as creditable service in the armed forces, including the National Guard and state militia or in the police reserves, or of active participation in charitable or public service organizations or activities or in political affairs; d) the applicant is trustworthy and responsible as evidenced, for instance, by employment history, positions held in civic, political, religious or secular achievements or record of personal accomplishment in other areas of endeavor; e) that the applicant suffers under a disability or physical handicap, including age or obesity, which hinders the applicant's ability to retreat from an attacker.

Unfavorable Factors. Factors which will bear negatively on issuance (unless they appear to be in the remote past) are: a) the applicant has a long-term history of mental or emotional instability, alcoholism, drug use or addiction to controlled substances; b) the applicant has a history of fault in serious accidents with firearms, automobiles or other dangerous instrumentalities; c) the applicant has had a permit to own or carry a concealed weapon denied, suspended or revoked for good cause by any issuing authority; d) the applicant has had a driver's license denied, suspended or revoked for good cause by any issuing authority; e) the applicant has a long-term record of irresponsible and dangerous behavior with automobiles as indicated by numerous convictions of serious driving offenses; f) the applicant has a long-term history of

LAPD CONCEALED WEAPON LICENSE POLICY

conduct from which it appears that he or she is not now of good moral character, trustworthy or responsible. While none of the foregoing disqualify an applicant per se, a license will be denied if it appears, in the discretion of the department, that the applicant does not now have good character or that issuance of a license to him/her is not consistent with public safety.

FURTHER INFORMATION

Residency. Proof that the applicant is a resident of the City of Los Angeles will be fulfilled upon presentation of a copy of the following two items: a recognized California identification card and at least one recent utility or rent receipt showing the applicant's name and residence address.

Conditions of license. The Department may attach to the license such conditions as in the reasonable exercise of its discretion it deems appropriate. These conditions will be noted on the face of the license.

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 13

OCTOBER 4, 1996

SUBJECT: APPLICATION FOR A LICENSE TO CARRY A CONCEALED FIREARM,
FORM 12.49.1 - ACTIVATED

PURPOSE: In 1993 the Board of Police Commissioners transferred authority for issuing licenses to carry a concealed firearm to the Chief of Police. The Department also revised its policy for the issuance of a license to carry a concealed firearm, and adopted the Concealed Weapon License Application, Temporary Form 331.

This Order amends the Department Manual to reflect current procedures for the issuance of a license to carry a concealed firearm(s); deactivates the Concealed Weapon License Application, Temporary Form 331; and activates the Application for a License to Carry a Concealed Firearm, Form 12.49.1.

PROCEDURE:

- I. **CONCEALED WEAPON LICENSE APPLICATION, TEMPORARY FORM 331 - DEACTIVATED.** The Concealed Weapon License Application, Temporary Form 331, is deactivated.
- II. **APPLICATION FOR A LICENSE TO CARRY A CONCEALED FIREARM, FORM 12.49.1 - ACTIVATED.** The Application for a License to Carry a Concealed Firearm, Form 12.49.1, is activated. Area Commanding Officers shall ensure that an adequate supply of Form 12.49.1 are maintained at each Community Police Station and provided to the public upon request.

USE OF FORM: This form is used by any eligible resident of the City of Los Angeles to apply for a license to carry a concealed firearm, as defined in Section 12050 of the Penal Code.

COMPLETION: The form shall be completed and signed by the applicant. Incomplete or incorrect applications will not be accepted. The completed application shall be forwarded to the Gun Unit, Detective Headquarters Division, for investigation. Upon completion of the investigation, the application with recommendations shall be forwarded to the Office of the Chief of Police for approval.

DISTRIBUTION:

- 1 - Original, to Gun Unit, Detective Headquarters Division.
- III. **GUN UNIT, DETECTIVE HEADQUARTERS - RESPONSIBILITIES.** The Gun Unit, Detective Headquarters Division, shall investigate all applications for concealed firearm licenses. Completed investigations shall be forwarded to

OCTOBER 4, 1996

the Office of the Chief of Police, who will review and approve or deny the request.

FORM AVAILABILITY: The Application for a License to Carry a Concealed Firearm, Form 12.49.1, will be available for ordering from Supply Division within 90-120 days. A copy of Form 12.49.1, is attached for duplication as needed. Temporary Form 331 shall be marked "obsolete" and placed into the divisional recycling bin.

AMENDMENT: This Order amends Sections 4/540.32, 4/560.40, 4/767.05, 4/767.10 of, and adds Section 5/12.49.1 to, the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Detective Services Group, shall monitor compliance with this directive in accordance with Department Manual Section 9/080.30.



WILLIE L. WILLIAMS
Chief of Police

Attachment

DISTRIBUTION "A"

EXHIBIT B

RECEIVED

JUL 28 1998

over
FILED
LOS ANGELES SUPERIOR COURT
JUL 29 1998
JOHN A. CLARKE, CLERK
BY J. LORENZ, DEPUTY

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

| | | |
|------------------------------|---|-----------------------|
| ANTHONY MARIO ASSENZA, |) | CASE NO. BC 115813 |
| et al., |) | |
| Plaintiffs/Petitioners, |) | ORDER |
| vs. |) | {Proposed} |
| CITY OF LOS ANGELES, et al., |) | |
| Defendants/Respondents, |) | |

On July 24, 1998, the Court's Order to Show Cause Re Contempt came regularly before this Court. Burton C. Jacobson and William Arthur Crawford appeared for the plaintiffs and/or applicants, Byron Boeckman appeared for all defendants. The Court, having read the briefs of the parties; having heard the arguments of counsel and being fully advised in the premises makes the following ORDER:

First: Not later than close of business Friday, 28 August, 1998, Defendants shall have filed and served a uniform declaration, executed by the each of the individual sworn Los Angeles Police Department personnel identified by job title below,

1 and attesting to each of the following: One, his or her receipt,
2 on or about 23 July, 1998, of the two-page document headed "Los
3 Angeles Police Department Concealed Weapon Permit Policy" issued
4 late on 22 July 1998 pursuant to the verbal order of Commander
5 Bruce E. Hagerty, Acting Commanding Officer, Operations
6 Headquarters Bureau, Parker Center.

7 A true and correct copy of that document has been marked and
8 received in evidence as Court's Exhibit "A" to this day's
9 proceeding. An identical copy shall be attached to each such
10 declaration.

11 Second: His or her ready familiarity with and understanding
12 of the terms of such statement of the Los Angeles Police
13 Department's Policy.

14 Third: Acknowledgement by each such declarant that his or
15 her oath of office requires obedience to such statement of policy.

16 Fourth: Verification by each such declarant of the present
17 and future availability to any applicant for a concealed firearms
18 license of both a copy of such statement of policy and of Los
19 Angeles Police Department Form 12.49.1, Edition 6/96 application
20 for concealed weapons license. A true and correct copy of such
21 document has been marked and received in evidence as Plaintiff's
22 Exhibit "1" to this day's proceedings.

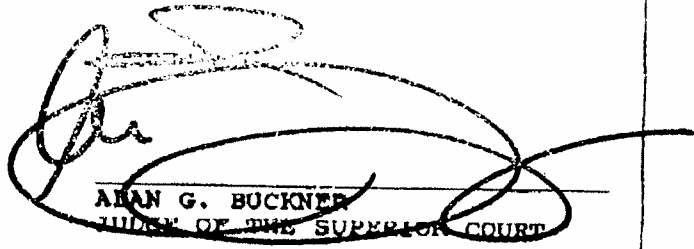
23 Fifth: Verification by each such declarant that those sworn
24 or civilian personnel at each of the Departments 18 regional
25 stations or divisions has been specifically instructed through
26 roll call or other formal means as to the specific desk or office
27 within each of such 18 facilities to which such applications and
28 statements of policy have been delivered in accordance with the 22

1 July 1998 verbal order of Commander Hagerty.

2 Each such declaration shall be executed by each and every
3 sworn Commanding Officer of each of the 18 Regional Los Angeles
4 Police Department Stations or Divisions.

5 IT IS SO ORDERED.

6 Dated: July 29, 1998

7
8 
9 ALAN G. BUCKNER
JUDGE OF THE SUPERIOR COURT

10

11 APPROVED AS TO FORM
12 (Court may accept fax copy signature)

13 Dated: July 28, 1998

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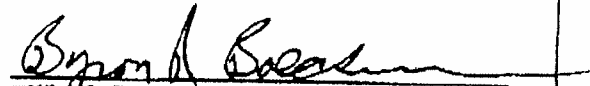
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17 BYRON BOECKMAN
18 Attorney for Defendants
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EXHIBIT C

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FILED
LOS ANGELES SUPERIOR COURT
JUN 11 2010
JOHN A. CLARKE, CLERK
BY J. LORENZ, DEPUTY

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

| | | |
|--------------------------------|---|---------------------------|
| ANTHONY MARIO ASSENZA, et al., |) | CASE NO. BC 115813 |
| Plaintiffs/Petitioners |) | THIRD AMENDED JUDGMENT OF |
| v. |) | DECLARATORY RELIEF |
| CITY OF LOS ANGELES, et al., |) | |
| Defendants/Respondents. |) | |

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

A. Defendants Affected.

The defendants affected by this judgment herein are: CITY OF LOS ANGELES, the CITY OF LOS ANGELES POLICE DEPARTMENT (hereinafter "LAPD"), LOS ANGELES BOARD OF POLICE COMMISSIONERS, and CHARLIE BECK, CHIEF OF POLICE OF THE CITY OF LOS ANGELES POLICE DEPARTMENT.

B. Introduction.

This action challenging LAPD's procedure, rules and

COPY

1 practices for issuing licenses to carry concealed firearms
2 pursuant to Pen. C. Section 12050 ff. was filed September 24,
3 1992. Some of the plaintiffs sought to be issued licenses and
4 they and the other plaintiffs sued as taxpayers and citizens. The
5 Los Angeles defendants received an open extension to answer, and
6 entered into highly complex settlement negotiations which have
7 continued to this time.

8 C. Admission.

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

20 D. Plaintiffs' Licenses.

21 The allegations of the complaint showed good cause as to all
22 of the plaintiffs who sought to be issued licenses. For purposes
23 of this judgment the following persons are deemed plaintiffs:
24 ANTHONY MARIO ASSENZA, ROBERT JAMES BRYANT, WILLIAM ARTHUR
25 CRAWFORD, PAUL STEVEN DWAN, BRUCE HAROLD EDELMAN, OLOGY ERLE
26 GIBSON, TERRY HOMER HARDEN, RICHARD ALAN HOCHBERG, BURTON C.
27 JACOBSON, THOMAS MICHAEL KUTROSKY, YAROM LIMOR, MARSHALL CLIFFORD
28

1 MARS, JOHN R. MARTIN, ROBERT KELLOGG MILLER, MICHAEL SCOTT
2 ONTIVEROS, TED PASTERNAK, VICTOR DONALD RAPPOPORT, JESSEE DONALD
3 RICH, JEROME MARTIN ROSENBERG, JOEL C. SCHLOSSMAN, NATHAN DAVID
4 SCHLOSSMAN, CARLOS SEDILLO, SANFORD SHIRE, BERNICE SHARON SILVER,
5 RICHARD CLAYTON TEMME, JOHN HARRIS THALER, DONNA LYNNE THOMAS,
6 GARY BRIAN TIGAR, KENT LEE TURNIPSEED, and DAVID ALAN YOCHELSON.

7 These named plaintiffs will receive licenses, and their licenses
8 will be renewed for a one year term, but only so long as they
9 continue to have good cause, good character, not to be barred by
10 law from the ownership of concealable firearms, and to meet each
11 of the other requirements of licensure under Section 12050 ff.

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

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

22 INTRODUCTORY

23 The department recognizes that Pen. C. Section 12050
24 requires the issuance of licenses to persons of good character
25 who have good cause to carry a concealed firearm for the defense
26 of themselves or others or in pursuing their livelihood. These
27 guidelines are designed to implement that requirement.
28

1 Good cause is more likely to be found if the applicant has a
2 demonstrated record of responsible handling of firearms as
3 indicated by voluntarily having taken firearms training and/or
4 long-term participation in the shooting sports. While lack of
5 such a demonstrated record is not a disqualification if the
6 applicant is otherwise qualified to use a firearm properly,
7 licenses will not issue if there is substantial, articulable
8 reason to believe that issuance would be contrary to public
9 safety or if the applicant does not have good character. Among
10 other criteria to be considered are: the applicant's record and
11 history in accidents with firearms, automobiles or other
12 dangerous instrumentalities; and association with persons having
13 a criminal record or who are reliably known to lack good
14 character. The expression of dangerous or irresponsible
15 attitudes, or threats, toward or regarding the use of firearms or
16 other dangerous instrumentalities shall be grounds for denial or
17 revocation of a license.

18
19 CRITERIA FOR LICENSURE

20 1. Training. The license, if approved, shall not become
21 effective until the applicant has furnished proof to the
22 department that he or she has successfully completed the course
23 of training in the carrying and use of firearms established
24 pursuant to Section 7585 et seq., of the California Business and
25 Professions Code or some other appropriate course which included
26 the following subjects of training: knowledge of California laws
27 regarding weapons and deadly force use; safe handling, carriage,
28

1 use and storage of concealable firearms; competency with the
2 types of firearms to be listed on the license.

3 2. Good Cause. Good cause shall be deemed to exist, and a
4 license will issue in the absence of strong countervailing
5 factors, upon a showing of any of the following circumstances:

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

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

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

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

11 5. Presumption. Absent good cause for denial, persons
12 having good cause as defined in paragraph 2 shall be issued
13 licenses for the maximum time period allowed by section 12050,
14 and their licenses shall be renewed so long as they continue to
15 have good cause. No license shall issue if the applicant is
16 prohibited by law from possessing or acquiring firearms, or
17 concealable firearms, or is below the age of 21 years.

18 PROCEDURAL MATTERS

19 6. Divulgence of Information. All applicants shall receive
20 a copy of these guidelines along with the application form.

21 7. Evidence. Declarations under penalty of perjury suffice
22 as evidence of facts showing good cause, provided that the
23 Department is not required to accept the allegations in a
24 declaration if it has credible counter-evidence or finds the
25 declarant not credible. The applicant will be required to furnish
26 proof of his or her medical and psychological fitness in a manner
27 to be prescribed by the department. This shall include
28

1 certification of the applicant's eyesight to meet the standards
2 established by the California Department of Motor Vehicles for
3 issuance of driver's license. As proof of good character the
4 applicant shall present at least two statements from responsible
5 persons attesting thereto. The applicant may present additional
6 good character, trustworthiness and to negate the converse
7 evidence to prove responsibility or to negate the converse.

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

20 9. Conditions. Absent some compelling reason, licensees will
21 be allowed to specify up to three firearms of their choice to be
22 listed on their license and the Department will amend their
23 licenses to substitute or add firearms so long as the number does
24 not exceed three and each firearm meets the other provisions of
25 this paragraph. The department may attach to the license such
26 conditions as in the reasonable exercise of its discretion it
27 deems appropriate; provided that these conditions shall be noted
28

1 on the face of the license. Conditions may include, but are not
2 limited to:

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

12 G. Advisory Review.

13 1. Plaintiffs' lead counsel, Don B. Kates, shall
14 appoint a panel of advisors to review contested applications.
15 (Kates may add or substitute members of the panel as he deems
16 necessary to carry out its functions, e.g. in case of the
17 resignation, death or disability a new nominee to make such
18 appointments shall be nominated by the plaintiff Second Amendment
19 Foundation.)

20 2. LAPD will accompany its notification to applicants
21 of its action on their application with a statement that a review
22 panel exists. If the applicant is dissatisfied and requests such
23 review, LAPD will promptly submit to the panel's review its files
24 in all cases in which an application is rejected or granted with
25 substantial limitations and will attempt to respond in a
26 reasonable and timely manner to questions the panel may have. The
27 panel will promptly review each submitted application and
28

1 recommend in writing if it believes a different decision should
2 have been made by LAPD. LAPD will promptly reconsider the matter
3 and take any further action it deems merited.

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

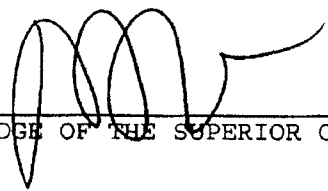
10 H. Continued Jurisdiction.

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

13 I. Attorney's Fees and Costs. Each party to this action
14 shall bear its own costs and fees, including attorneys' fees in
15 this matter.

16 IT IS SO ORDERED.

17 DATED: 6/11/10



JUDGE OF THE SUPERIOR COURT

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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

NOTICE OF MOTION AND MOTION TO CONSOLIDATE; 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”

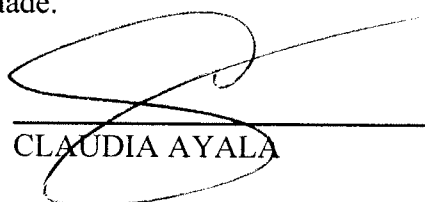
X (BY MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course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

Carmen A. Trutanich, City Attorney Attorneys for Defendants/Respondents
Carlos De La Guerra, Managing City Attorney Charlie Beck and City of Los Angeles
Debra L. Gonzalez, Assistant City Attorney
CITY OF LOS ANGELES
200 North Main Street
City Hall East, Room 800
Los Angeles, CA 90012

Burton C. Jacobson Co-Counsel
ATTORNEYS AT LAW
Beverly Hills Law Building
424 South Beverly Drive
Beverly Hills, California 90212-4414

L.A.S.C. - FILINGS #32
111 N. HILL STREET
LOS ANGELES CA 90012

DATE PAID: 07/20/11 03:28:33 PM
RECEIPT #: CCH465980071

CIT/CASE: BC115813 LEA/DEF#:

PAYMENT: \$40.00 0310
RECEIVED:

CHECK: 40.00
CASH:
CHANGE:
CARD:

MICHEL & ASSOCIATES, P.C.

LA Court Online
Client Advance:Filing Fees

7/19/2011

Los Angeles Superior Court: 07/19/11 Filing Fee for

Checking WF - 7133

FIRM:

Signal

ATTORNEY SERVICE
INCORPORATED

DATE 7/18/11 SECRETARY CA ATTORNEY JRP ATTORNEY FILE # 1017025

DO TODAY _____ **RETURN TODAY** _____
Mark X for special assignment(s). RUSH CHARGES APPLY

Long Beach 562-595-1337
Torrance 310-316-1256
Fax 562-595-6294

PLAINTIFF: Assenza et al., COURT: LASC
VS. JUDICIAL DIST: Central
DEFENDANT: City of L.A. et al., CITY: Los Angeles CASE #: BC115813

APPROVED DIRECT BILLING: _____ ADJUSTER: _____
CARRIER NAME: _____ INSURED: _____
ADDRESS: _____ CLAIM NUMBER: _____
CITY, STATE, & ZIP: _____ DATE OF LOSS: _____

LIST ALL DOCUMENTS: HEARING DATE _____ FEES PAID/ DATE _____ FEES ATTACHED _____

- 1) Notice of motion and Motion to Consolidate
- 2) Declaration of Joshua R. Dale In Support of motion to cons.
- 3) Proposed Order Granting Motion to Consolidate
- 4) ~~Filing Fee~~

INSTRUCTIONS: FILE BY _____ SERVE BY _____

DEPT. _____ CLERK _____ Please File the above listed documents and also serve conformed courtesy copies to Judge Terry Green's Dept. 14 Thank you

| | |
|-----------|-------------------------------------|
| IMPORTANT | <input checked="" type="checkbox"/> |
| FILE | <input checked="" type="checkbox"/> |
| SERVE | <input type="checkbox"/> |
| DELIVER | <input type="checkbox"/> |
| COPY | <input type="checkbox"/> |
| OTHER | <input type="checkbox"/> |

| OFFICE USE | |
|------------|--|
| COURT | |
| PROCESS | |
| DELIVERY | |
| RETURN | |
| ADV FEE | |
| ADV CHG | |
| TIME | |
| G/S | |
| | |
| | |
| | |

- RESIDENCE
- BUSINESS

MALE _____ FEMALE _____ RACE _____ AGE _____ HT _____ WT _____ HAIR _____

DATE 7/19 ORIGINAL SUBMIT RUNNER 802 2nd SUBMIT DATE _____ RUNNER _____
OKAY BACK TO COURT REJECTED OKAY BACK TO COURT REJECTED

2011 JUL 20 AM 11:53

TOTAL

SPECIAL ASSIGNMENT # _____

| | | | | | | | | | | | |
|------------|---------|----------|----------|---------|---------|--------|----------|---------|--------|--------|------|
| NO CONFORM | SHERIFF | COURTESY | DROP C/W | DROP DP | RCV C/W | RCV DP | FILE C/W | FILE DP | TTY CK | OUR CK | CASH |
|------------|---------|----------|----------|---------|---------|--------|----------|---------|--------|--------|------|