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10 *Attorneys for Defendants/Respondents*  
11 CHARLIE BECK and CITY OF LOS ANGELES

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

15 ANTHONY MARIO ASSENZA, *et al.*,

16 Plaintiffs/Petitioners

17 vs.

18 CITY OF LOS ANGELES, *et al.*,

19 Defendants/Respondents

20 ) **CASE NO. BC115813**

21 ) [r/t CASE NO. BS131915]

22 ) **RESPONSE IN OPPOSITION TO**  
23 ) **NOTICE OF RELATED CASES**

24 ) **Dept: 14**

25 DEFENDANTS/RESPONDENTS (hereinafter Respondents) City of Los Angeles, Chief of  
26 Police Charlie Beck and the Los Angeles Police Department (LAPD), hereby submit the following  
27 Response in opposition to Plaintiffs'/Petitioners' (hereinafter Petitioners) Notice of Related Cases.

28 The Petitioners in *Assenza, et al. v. City of Los Angeles*, LASC Case No. BC115813, have  
filed a Motion to Enforce Judgment and for Monetary Sanctions in the Amount of \$2,500.00. The  
*Assenza* petitioners seek to enforce a judgment that originated in 1995 which was most recently  
amended in 2010 to name the current LAPD Chief of Police. The original 1995 *Assenza* stipulated

1 judgment established LAPD's carry concealed weapon (CCW) permit policy and certain procedures  
2 to be followed during the CCW permit application process. The *Assenza* petitioners claim that  
3 Respondents are not complying with the *Assenza* judgment because they have (1) failed to provide  
4 CCW applications and/or LAPD CCW policy to prospective CCW permit applicants and (2) have  
5 somehow altered the LAPD's CCW permit policy.

6 The Petitioners in *Davis, et al. v. City of Los Angeles, et al.*, LASC Case No. BS131915,  
7 have filed a Petition for Writ of Mandate under Code of Civil Procedure § 1085. Six of the nine  
8 *Davis* petitioners have submitted CCW permit applications to the LAPD between 2007 and 2010.  
9 Although the *Davis* petitioners also claim that Respondents have failed to provide CCW applications  
10 and/or LAPD CCW policy to prospective permit applicants, the gravamen of their petition is that they  
11 have not been issued CCW permits.

12 Since the *Assenza* and *Davis* cases involve some of the same claims and the exact same  
13 declarations were filed in support of both matters, it is odd that two separate actions seeking  
14 essentially the same relief --- a Petition for Writ of Mandate and a Motion to Enforce Judgment ---  
15 were filed by the exact same attorneys. The relief sought by the *Assenza* petitioners is that their  
16 Motion to Enforce the Judgment be granted and monetary sanctions in the amount of \$2,500.00 be  
17 imposed. The relief sought by the *Davis* petitioners is that the court issue "a writ of mandate to  
18 enforce" the *Assenza* judgment and issue "a writ of prohibition to prohibit Defendants/Respondents  
19 from engaging in such conduct of noncompliance." *Davis* Petition for Writ of Mandate, pp. 9-10. It  
20 is also telling that the *Assenza* petitioners argue that "[a]ppropriate writs should issue to force  
21 Defendants to adhere to the correct policy." *Assenza* Motion to Enforce Judgment, p. 7. Therefore, it  
22 appears that the *Assenza* petitioners are really seeking writs of mandate.

23 Notwithstanding this duplication of claims in two separate matters, the *Assenza* and *Davis*  
24 cases should not be related because they will not require "substantial duplication of judicial resources  
25 if heard by different judges." California Rules of Court, Rule 3.300(a). The moving, opposition and  
26 reply papers have already been filed in the *Assenza* case and a hearing is scheduled for June 9, 2011,  
27 in Department 14 before the Honorable Terry Green. It is anticipated that the *Assenza* motion will be  
28 adjudicated at the end of a short hearing. On the other hand, the primary goal of the *Davis* Petition

1 for Writ of Mandate is to persuade the court to order Respondents to issue CCW permits to the  
2 petitioners. The *Davis* petitioners who have submitted CCW permit applications each have their own  
3 unique reasons for claiming they are entitled to CCW permits. The court in the *Davis* case will have  
4 many issues to decide including whether a mandatory duty lies such that a writ of mandate is  
5 appropriate and if so, what if any relief each individual petitioner may be entitled to. Because of such  
6 unique issues, under the Los Angeles Superior Court Rules, petitions for writs of mandate "are  
7 assigned to Department 85 or to Department 86 for all purposes." LASC Rule 2.5(j)(1) Therefore,  
8 the *Davis* case should remain assigned to Department 85.

9 For all of the aforementioned reasons, Respondents respectfully request that this Court deny  
10 the Petitioners' Notice of Related Cases.

11 DATE: June 6, 2011

Respectfully submitted,

12 **CARMEN A. TRUTANICH**, City Attorney  
13 **CARLOS DE LA GUERRA**, Managing Assistant City Attorney  
14 **DEBRA L. GONZALES**, Assistant City Attorney

15 By:   
16 **DEBRA L. GONZALES**  
17 Assistant City Attorney

18 Attorneys for Defendants/Respondents

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**PROOF OF SERVICE**

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 200 N. Main Street, City Hall East Room 800, Los Angeles, CA 90012.

On **June 6, 2011**, I served the foregoing document described as:

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**RESPONSE IN OPPOSITION TO NOTICE OF RELATED CASES**

on the interested party(ies) in this action by placing the true copy(ies) thereof enclosed in sealed envelope(s) addressed as follows:

Burton C. Jacobson  
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**BY MAIL** – I caused each envelope with postage fully prepaid, to be placed in the United States Mail at Los Angeles, California. I thereafter caused such envelope to be deposited in the mail at Los Angeles, California, with first class postage thereon fully prepaid. I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit.

**BY FACSIMILE TRANSMISSION** – I caused such documents to be transmitted to the offices of the addressee via facsimile machine, prior to 5:00 p.m. on the date specified above. The facsimile machine I used was in compliance with Rule (2003(3), and the transmission was reported as complete without error. Pursuant to Rule 2008(e), I caused a copy of the transmission report to be properly issued by transmitting facsimile.

**BY L.A. CITY ATTORNEY'S DOCUMENTS SERVICES** – I caused each envelope to be delivered by the City of Los Angeles Document Services Department to the party served. The City of Los Angeles Document Service Department is located at 200 North Main St., 8<sup>th</sup> Floor, City Hall East, Los Angeles, CA 90012.

I declare that I am employed in the office of a member of the bar of this court at whose direction whose service was made.

Executed June 6, 2011, Los Angeles, California.

  
PATRICIA GUERRA