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**FILED**

MAR 2 1995  
EDWARD M. KRITZMAN  
*E. Krizman*  
U.S. DISTRICT COURT

5 Attorneys for Defendants

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

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

CASE NO. BC 115813  
STIPULATION FOR  
ENTRY OF JUDGEMENT

17  
18  
19 It is hereby stipulated by and between the parties that  
20 declaratory judgement may be entered in the above-entitled matter as  
21 follows:

22  
23 A. Defendants Affected.

24 The defendants described in the complaint as the "Los  
25 Angeles defendants" were: the CITY OF LOS ANGELES; the CITY OF LOS  
26 ANGELES POLICE DEPARTMENT (hereinafter "LAPD"), WILLIE L. WILLIAMS,  
27 CAPTAIN G.E. ORNELAS and various members of the LAPD's Board of  
28 Police Commissioners.

1           B. Introduction.

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

10  
11           C. Admission.

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17 repealed and will be replaced by the provisions of items E and F of  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

22  
23           D. Plaintiff's Licenses.

24           The allegations of the complaint showed good cause as to  
25 all of the plaintiffs who sought to be issued licenses. For purposes  
26 of this judgment the following persons are deemed plaintiffs:

27 ANTHONY MARIO ASSENZA, ROBERT JAMES BRYANT, WILLIAM ARTHUR CRAWFORD,  
28 PAUL STEVEN DWAN, BRUCE HAROLD EDELMAN, OLOGY ERLE GIBSON, TERRY

1 HOMER HARDEN, RICHARD ALAN HOCHBERG, BURTON CHARLES . ACOBSON, THOMAS  
2 MICHAEL KUROSKY, YAROM LINOR, MARSHALL CLIFFORD MARS, JOHN R.  
3 MARTIN, ROBERT KELLOGG MILLER, MICHAEL SCOTT ONTIVEROS, TED  
4 PASTERNAK, VICTOR DONALD RAPPOPORT, JESSEE DONALD RICH, JEROME  
5 MARTIN ROSENBERG, JOEL C. SCHLOSSKAN, NATHAN DAVID SCHLOSSMAN, CARLOS  
6 SEDILLO, SANFORD SHIRE, BERNICE SHARON SILVER, RICHARD CLAYTON TENME,  
7 JOHN HARRIS THALER, DONNA LYNNE THOMAS, GARY BRIAN TIGAR, KENT LEE  
8 TURNIPSEED, and DAVID ALAN YOCHELSON. These named plaintiffs will  
9 receive licenses, and their licenses will be renewed for a one year  
10 term, but only so long as they continue to have good cause, good  
11 character, not to be barred by law from the ownership of concealable  
12 firearms, and to meet each of the other requirements of licensure  
13 under Section 12050 ff.

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

23  
24 F. The following further rules and guidelines are provided  
25 for the interpretation and implementation of Item E:

26 . . .

27 . . .

28 . . .

INTRODUCTORY

1  
2 The department recognizes that Pen. C.  
3 Section 12050 requires the issuance of licenses  
4 to persons of good character who have good cause  
5 to carry a concealed firearm for the defense of  
6 themselves or others or in pursuing their  
7 livelihood. These guidelines are designed to  
8 implement that requirement.

9  
10 Good cause is more likely to be found if the  
11 applicant has a demonstrated record of  
12 responsible handling of firearms as indicated by  
13 voluntarily having taken firearms training and/or  
14 long-term participation in the shooting sports.  
15 While lack of such a demonstrated record is not a  
16 disqualification if the applicant is otherwise  
17 qualified to use a firearm properly, licenses  
18 will not issue if there is substantial,  
19 articulable reason to believe that issuance would  
20 be contrary to public safety or if the applicant  
21 does not have good character. Among other  
22 criteria to be considered are: the applicant's  
23 record and history in accidents with firearms,  
24 automobiles or other dangerous instrumentalities;  
25 and association with persons having a criminal  
26 record or who are reliably known to lack good  
27 character. The expression of dangerous or  
28 irresponsible attitudes, or threats, toward or

1 regarding the use of firearms or other dangerous  
2 instrumentalities shall be grounds for denial or  
3 revocation of a license.

#### 5 CRITERIA FOR LICENSURE

6 1. Training. The license, if approved,  
7 shall not become effective until the applicant  
8 has furnished proof to the department that he or  
9 she has successfully completed the course of  
10 training in the carrying and use of firearms  
11 established pursuant to Section 7547.1 of the  
12 California Business and Professions Code or some  
13 other appropriate course which included the  
14 following subjects of training: knowledge of  
15 California laws regarding weapons and deadly  
16 force use; safe handling, carriage, use and  
17 storage of concealable firearms; competency with  
18 the types of firearms to be listed on the  
19 license.

20  
21 2. Good Cause. Good cause shall be deemed  
22 to exist, and a license will issue in the absence  
23 of strong countervailing factors, upon a showing  
24 of any of the following circumstances: a) The  
25 applicant is able to establish that there is an  
26 immediate or continuing threat, express or  
27 implied, to the applicant's, or the applicant's  
28 family's, safety and that no other reasonable

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

23  
24 **3. Favorable Factors.** Among facts upon  
25 which the department will, in the exercise of its  
26 discretion, look favorably in considering  
27 applications are whether: a) the applicant has a  
28 demonstrated record of responsible handling of

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

21  
22 4. Unfavorable Factors: Factors which will  
23 bear negatively on issuance (unless they appear  
24 to be in the remote past) are: a) the applicant  
25 has a long-term history of mental or emotional  
26 instability, alcoholism, drug use or addiction;  
27 b) the applicant has a history of fault in  
28 serious accidents with firearms, automobiles or

1 other dangerous instrumentalities; c) the  
2 applicant has had a permit to own or carry a  
3 concealed weapon denied, suspended or revoked for  
4 good cause by any issuing authority; d) the  
5 applicant has had a driver's license denied,  
6 suspended or revoked for good cause by any  
7 issuing authority; e) the applicant has a long-  
8 term record of irresponsible and dangerous  
9 behavior with automobiles as indicated by  
10 numerous convictions of serious driving offenses;  
11 f) the applicant has a long-term history of  
12 conduct from which it appears that he or she is  
13 not now of good moral character, trustworthy or  
14 responsible. While none of the foregoing  
15 disqualify an applicant per se, a license will be  
16 denied if it appears, in the discretion of the  
17 department, that the applicant does not now have  
18 good character or that issuance of a license to  
19 him/her is not consistent with public safety.

20  
21 5. Presumption. Absent good cause for  
22 denial, persons having good cause as defined in  
23 paragraph 2 shall be issued licenses for the  
24 maximum time period allowed by section 12050, and  
25 their licenses shall be renewed so long as they  
26 continue to have good cause. No license shall  
27 issue if the applicant is prohibited by law from  
28

1 possessing or acquiring firearms, or concealable  
2 firearms, or is below the age of 21 years.

3  
4 PROCEDURAL MATTERS

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

8  
9 7. Evidence. Declarations under penalty of  
10 perjury suffice as evidence of facts showing good  
11 cause, provided that the Department is not  
12 required to accept the allegations in a  
13 declaration if it has credible counter-evidence  
14 or finds the declarant not credible. The  
15 applicant will be required to furnish proof of  
16 his or her medical and psychological fitness in a  
17 manner to be prescribed by the department. This  
18 shall include certification of the applicant's  
19 eyesight to meet the standards established by the  
20 California Department of Motor Vehicles for  
21 issuance of driver's license. As proof of good  
22 character the applicant shall present at least  
23 two statements from responsible persons attesting  
24 thereto. The applicant may present additional  
25 evidence to prove good character, trustworthiness  
26 and responsibility or to negative the converse.

27 . . .

28 . . .

1           8. Celerity. License applications shall be  
2 approved or rejected within 50 days of the  
3 application being submitted; provided, that if  
4 the applicant has not been cleared (or rejected)  
5 by the California Department of Justice by the  
6 fortieth day, LAPD shall have an additional ten  
7 days for such action which additional period  
8 shall begin as of the date by which LAPD receives  
9 word from the California Department of Justice;  
10 and further provided that an additional 60 day  
11 period is allowed in cases in which the applicant  
12 has appealed a rejection or any restriction of  
13 the license. Those whose applications are  
14 rejected will receive a specific written reason  
15 for rejection along with notification of their  
16 right to seek review from the advisory panel.  
17

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

1 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  
6 be carried. Absent some compelling reason,  
7 limitations a. and b. shall not preclude use of  
8 kinds of firearm or ammunition which are  
9 generally deemed appropriate for issuance to  
10 plain clothes law enforcement personnel in the  
11 State of California.

12  
13 **G. Advisory Review.**

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

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

1 will promptly reconsider the matter and take any further action it  
2 deems merited.

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

8  
9 **H. Continued Jurisdiction.**

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

12  
13 **I. Each party to this action shall bear its own costs and  
14 fees, including attorneys fees in this matter.**

15 **DATED: February 1, 1995**

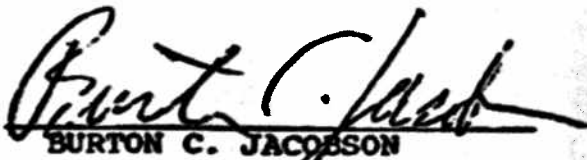
**Respectfully submitted,**

16  
17 **JAMES K. HAHN, City Attorney**  
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18 **Senior Assistant City Attorney**  
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19 **Assistant City Attorney**

20 By   
21 **BYRON R. BOECKMAN**  
**Assistant City Attorney**

22 **Attorneys for Defendants**

23  
24 **DATED: February 1, 1995**

25  
26 By   
27 **BURTON C. JACOBSON**  
28 **Attorney for Plaintiffs**

**BOOK VISEERZ/ROBERT**