

1 OFFICES OF FRANKLIN S. ADLER, ESQ. (STATE BAR #056417)
2 BEVERLY HILLS LAW BUILDING
3 424 SOUTH BEVERLY DRIVE
4 BEVERLY HILLS, CA 90212-4414
5 TELEPHONE: (310) 553-8533

6 ATTORNEYS FOR PLAINTIFFS:
7 HELENE SZAJER, ZOLTAN SZAJER

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10	HELENE SZAJER, ZOLTAN SZAJER,	)	CASE No. CV07-07444 SVW(PLAx)
)	
11	Plaintiffs,	)	DECLARATION OF FRANKLIN S.
		)	ADLER IN SUPPORT OF OPPOSITION
12	vs.	)	TO MOTION FOR SUMMARY
		)	JUDGMENT; EXHIBITS IN SUPPORT
13	CITY OF LOS ANGELES; LOS	)	OF OPPOSITION TO MOTION FOR
	ANGELES POLICE DEPARTMENT,	)	SUMMARY JUDGMENT.
14	LOS ANGELES CHIEF OF POLICE)	
	WILLIAM BRATTON, LOS ANGELES	)	[FRCP 56, Local Rule 56-2
15	POLICE LIEUTENANT STEVEN A.)	
	NIELSEN, LOS ANGELES	)	DATE: September 15, 2008
16	POLICE DETECTIVE MICHAEL	)	TIME: 1:30 P.M.
	MERSEREAU, LOS ANGELES POLICE	)	COURTROOM: 6
17	DETECTIVE R. TOMPKINS, LOS)	
	ANGELES POLICE DETECTIVE)	
18	YADON, LOS ANGELES POLICE)	
	DETECTIVE CONRADO; and)	
19	DOES 2 through 100, inclusive,)	
)	
20	Defendants.)	
)	

21
22 I, FRANKLIN S. ADLER, declare as follows:

23 1. I am an attorney at law admitted to practice before all
24 courts in the State of California and before this Court. I represent
25 the Plaintiffs in this matter.

26 2. Attached as Exhibit 1 are accurate copies of three
27 documents prepared by the Plaintiffs memorializing the sale of an
28

1 F.A.L.-type rifle to Mr. Charles Hanks in 1995.

2 3. Attached as Exhibit 2 is an accurate copy of the within
3 Search Warrant.

4 4. Attached as Exhibit 3 is an accurate partial transcript
5 of portions of the November 17, 2005, telephone call made by
6 Plaintiff Zoltan Szajer to the West Hollywood Sheriff's Station and
7 the call made by Deputy McDowell to Detective Tompkins.

8 5. Attached as Exhibit 4 is an accurate copy of relevant
9 pages, including cover page and reporter's certification, from the
10 Transcript of the Deposition of Zoltan Szajer, taken July 11, 2008.

11 6. Attached as Exhibit 5 is an accurate copy of the
12 Declaration of Zoltan Szajer.

13 7. Attached as Exhibit 6 is an accurate copy of relevant
14 pages, including cover page and reporter's certification, from the
15 Transcript of the Deposition of Detective Michael Mersereau, taken
16 August 13, 2008.

17 8. Attached as Exhibit 7 is an accurate copy of relevant
18 pages, including cover page and reporter's certification, from the
19 Transcript of the Deposition of Detective Richard Tompkins, taken
20 August 14, 2008.

21 8. Attached as Exhibit 8 is an accurate copy of the
22 Declaration of Detective Richard Tompkins.

23 I declare under penalty of perjury under the laws of the
24 United States of America that the foregoing is true and correct.
25 Executed September 8, 2008.

26

27

28



FRANKLIN S. ADLER

Form Approved: OMB No. 1512-0129

DEPARTMENT OF THE TREASURY — BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS FIREARMS TRANSACTION RECORD PART I — OVER-THE-COUNTER	TRANSFEROR'S TRANSACTION SERIAL NUMBER 1265
---	--

NOTE: Prepare in original only. All entries on this form must be in ink. See Notices and Instructions on back.

SECTION A — MUST BE COMPLETED PERSONALLY BY TRANSFEREE (BUYER) (See Notices and Instructions on reverse)

1. TRANSFEREE'S (Buyer's) NAME (Last, First, Middle) HANKS, CHARLES D	<input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	2. HEIGHT 5'9	3. WEIGHT 235	4. RACE C
5. RESIDENCE ADDRESS (No., Street, City, County, State, ZIP Code) 9401 WILSHIRE BLVD #700 BEVERLY HILLS, CA 90212	6. DATE OF BIRTH MONTH DAY YEAR 07 21 40		7. PLACE OF BIRTH (City and State or City and Foreign Country) KARLAN, CA	

8. CERTIFICATION OF TRANSFEREE (Buyer)—An untruthful answer may subject you to criminal prosecution. Each question must be answered with a "yes" or a "no" inserted in the box at the right of the question:

a. Are you under indictment or information* in any court for a crime punishable by imprisonment for a term exceeding one year? *A formal accusation of a crime made by a prosecuting attorney, as distinguished from an indictment presented by a grand jury.	No	c. Are you a fugitive from justice?	No
b. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? (NOTE: A "yes" answer is necessary if the judge could have given a sentence of more than one year. A "yes" answer is not required if you have been pardoned for the crime or the conviction has been expunged or set aside, or you have had your civil rights restored and, under the law where the conviction occurred, you are not prohibited from receiving or possessing any firearm).	No	d. Are you an unlawful user of, or addicted to, marijuana, or any depressant, stimulant, or narcotic drug, or any other controlled substance?	No
		e. Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?	No
		f. Have you been discharged from the Armed Forces under dishonorable conditions?	No
		g. Are you an alien illegally in the United States?	No
		h. Are you a person who, having been a citizen of the United States, has renounced his/her citizenship.	No

I hereby certify that the answers to the above are true and correct. I understand that a person who answers "Yes" to any of the above questions is prohibited from purchasing and/or possessing a firearm, except as otherwise provided by Federal law. I also understand that the making of any false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony.

TRANSFEREE'S (Buyer's) SIGNATURE — EXECUTE AT TIME OF ACTUAL TRANSFER OF FIREARM(S) 	DATE 2/28/95
---	--

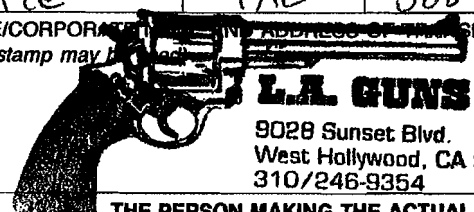
SECTION B — TO BE COMPLETED BY TRANSFEROR (SELLER) (See Notices and Instructions on reverse)

THIS PERSON DESCRIBED IN SECTION A: IS KNOWN TO ME
 HAS IDENTIFIED HIMSELF/HERSELF TO ME IN THE FOLLOWING MANNER

9. TYPE OF IDENTIFICATION (Driver's license or identification which shows name, date of birth, place of residence, and signature.) CDL	10. NUMBER ON IDENTIFICATION BDD129US
--	---

On the basis of (1) the statements in Section A; (2) the verification of identity noted in Section B; and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver, transport, or otherwise dispose of the firearm(s) described below and on the back to the person identified in Section A.

11. TYPE (Pistol, Revolver, Rifle, Shotgun, etc.)	12. MODEL	13. CALIBER OR GAUGE	14. SERIAL NO.	15. MANUFACTURER (and importer, if any)
1. PISTOL	17	9mm	BDD129US	Gaucha
2. RIFLE	FAL	308	XD1148	F.M.A.P.



16. TRADE/CORPORATE ADDRESS OF TRANSFEROR (Seller) (Hand stamp may be used)	17. FEDERAL FIREARMS LICENSE NO. (Hand stamp may be used)
L.A. GUNS 9028 Sunset Blvd. West Hollywood, CA 90069 310/246-9354	9-95-019-01-5K-35521

THE PERSON MAKING THE ACTUAL FIREARMS SALE MUST COMPLETE ITEMS 18 THROUGH 20

18. TRANSFEROR'S (Seller's) SIGNATURE — EXECUTE AT TIME OF ACTUAL TRANSFER OF FIREARM(S) 	19. TRANSFEROR'S TITLE Owner	20. TRANSACTION DATE 2/28/95
--	--	--



9028 Sunset Blvd., Suite 307, West Hollywood, CA 90069
310/248-9354

CANCELLATION FOR ANY REASON WILL RESULT IN A 20% RESTOCKING CHARGE - NO PERSONAL CHECKS PLEASE. FOR FIREARMS PICK-UPS
YOUR PICK-UP DATE IS 3/15/95
Please Initial Here

No 0815

DATE 2/28/95

Name Clarence Hawkins

Phone # (30)205-2300 Salesman Ted

Make FNAR Krasario Model FAL

S/N X01148 cal. 308win price 1,700⁰⁰

Make _____ Model _____

S/N _____ cal. _____ price _____

Total 1700⁰⁰

Tax 141⁴¹

DROS Fees 14⁰⁰

Sub-total 1855⁴¹

Less trade-ins listed above _____

Additional Payments TOTAL DUE 1855⁴¹

DATE / AMT. PD. / BAL. _____

DEPOSIT PAID 2,000⁰⁰

DATE / AMT. PD. / BAL. _____

credit
BALANCE DUE 141⁴¹

DATE / AMT. PD. / BAL. _____

PAID IN FULL (date / /) RECEIVED BY [Signature]

DROS # 4473 # Entered

RECEIPT

DATE	ADDR	SERIAL #	TYPE	CHARGE	NAME & ADDRESS
3/15/95	COLT	SUBST06E	SEM1	45	NATIONWIDE SPORTS DIST
3/15/95	REM 820-00	B744164	SHOTGUN	12ga	BUMBLE BEE WHOLESALERS
3/15/95	REM 820-00	B744331M	SHOTGUN	12ga	BUMBLE BEE WHOLESALERS
3/15/95	STU 915	UC02446	SEM1	9mm	BUMBLE BEE WHOLESALERS
3/16/95	TRUCUS 185	HL31917	REL	38S&L	DAVIDSON'S
3/16/95	TRUCUS 185	HL31906	REL	38S&L	DAVIDSON'S
3/16/95	RUGER S&W	571-93523	REL	9mm	DAVIDSON'S
3/16/95	RUGER 571-98917	571-98917	REL	357mag	DAVIDSON'S
3/26/95	GLAUK 19	BETH58905	SEM1	9mm	FRED BAKER FIREARMS
3/26/95	GLAUK 19	BETH58805	SEM1	9mm	FRED BAKER FIREARMS
3/26/95	REM 720-15	SB27114	REL	308	BUMBLE BEE WHOLESALERS
3/26/95	TRUCUS 185	DB26875	REL	357mag	BUMBLE BEE WHOLESALERS
3/29/95	COLT 22	PH20683	SEM1	22LR	AMCARR
3/29/95	REM 11-87	PC482872	SHOTGUN	12ga	AMCARR
3/29/95	REM 11-87	PC483555	SHOTGUN	12ga	AMCARR
3/29/95	STG-308A 0-29	AD51836	SEM1	357mag	BUMBLE BEE WHOLESALERS
3/29/95	STU 6946	TM10440	SEM1	9mm	AMCARR
3/29/95	STU 6946	TFJ2604	SEM1	9mm	AMCARR
3/29/95	STU 6946	TFJ2777	SEM1	9mm	AMCARR
4/5/95	REM 820-00	B527706V	SEM1	25A&P	BUMBLE BEE WHOLESALERS
4/5/95	REM 820-00	B530351V	SEM1	25A&P	BUMBLE BEE WHOLESALERS
4/5/95	RUGER S&W	571-93808	REL	357mag	DAVIDSON'S
4/5/95	RAMP FM	X01148	REL	308	T & L GUNS

DATE	NAME	ADDRESS
4/18/95	MICHAEL GAUCHER	1720 WEST 7TH ST 9226 MUNWATTN BETHLEHEM PA
4/15/95	ERIC HATCHER DOLLER	1808 WEDDINGWOOD STREET 1323 VAN DYKE CHARLESTON SC 29402
5/14/95	GERARD FLEND	415 MESA ROAD SPRING MONIA CHARLESTON SC 29402
6/5/95	SPENCER S. BJORLUND	1845 S. BERRY BLVD # 202 LOS ANGELES CALIFORNIA 90024
8/26/95	OUINER	
7/24/97	ALAN H. STANBY	3019
10/27/95	TYRONE SWEL	202 WEST 83RD STREET 1416 LOS ANGELES CALIFORNIA 90017
4/8/95	KENT CUMMINGHAM	300 DELWATE DRIVE ENCINO CALIFORNIA 91436
5/12/95	ANTHONY R. NEWCOMB	3322 FAIRMOUNT AVE LA BENSOUTH CALIFORNIA 91214
8/5/95	ANGELUO A. PARRERA	7122 MATTIUM AVENUE 1367 LAWNS CALIFORNIA 91405
4/7/95	SHAWN KESLER	44045 N. 15th STREET W 454 LAWNS CALIFORNIA 91334
1/21/97	CATHERINE LUDLOW	1913
11/11/95	ANNE OUY	1420 NORTH DENROT STREET RR 201 LOS ANGELES CALIFORNIA 90046 1423
6/23/95	DANIEL K. HIRAYAMA	1866 BUNDY DRIVE #10 1340 LOS ANGELES CALIFORNIA 90025
2/15/96	JDEL ALVARADO	1531
4/7/95	SHAWN KESLER	44045 N. 15th STREET W 454 LAWNS CALIFORNIA 91334
4/10/95	AMCARR WHOLESALERS	
5/18/95	FRANK A. GARCIA	1556 OCEAN ST ARCHMOUNT CALIFORNIA 90723
4/10/95	AMCARR WHOLESALERS	
5/2/95	JAMES FULCLEN	35 PEBBLES STREET 1313 THURSDAY OREGON 97130
4/18/95	GERARD FLEND	415 MESA ROAD SPRING MONIA CALIFORNIA 90402
3/20/97	CARLE A. CORREIA	1971
4/5/95	CHARLES O. HANKS	9401 WILSHIRE BLVD # 400 1605 Beverly Hills, California 90212

EXHIBIT 2

LAPD

Fax: 213 485 6625

Nov 17 2005 22:49

P.02

BY FACSIMILE

SW No. 05SF172

STATE OF CALIFORNIA - COUNTY OF LOS ANGELES
**SEARCH WARRANT AND AFFIDAVIT
(AFFIDAVIT)**

Detective Michael Mersereau, Affiant, swears under oath that the facts expressed by him/her in the attached and incorporated Statement of Probable Cause are true and that based thereon he/she has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

Michael Mersereau
(Signature of Affiant)

NIGHT SEARCH REQUESTED: YES

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: proof by affidavit having been made before me by Detective Michael Mersereau (Affiant) that there is probable cause to believe that the property described herein may be found at the locations set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x" (s) in that it:

- was stolen or embezzled.
- was used as the means of committing a felony.
- is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery.
- tends to show that a felony has been committed or that a particular person has committed a felony.
- tends to show that sexual exploitation of a child, in violation of P.C. Section 311.3, has occurred or is occurring.

YOU ARE THEREFORE COMMANDED TO SEARCH:

See description page 1.

FOR THE FOLLOWING PROPERTY:

See description page 2.



AND TO SEIZE IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this 17 day of NOVEMBER, 2005, at 10:00 AM. Wherefore, I find probable cause for issuance of this Search Warrant and do issue it.

Melvin D Sandvig
(Signature of Magistrate)

NIGHT SEARCH APPROVED: YES

MELVIN D SANDVIG
Judge of the Superior Court, LOS ANGELES "DEPT N" No Valley Dist
District.

Judicial

LOCATIONS TO BE SEARCHED:

Location #1:

The premises located at 508 North Vista Street, Los Angeles, California further described as the first floor of a two story apartment building, white in color with blue-gray trim. The numbers 508 are affixed to the wall to the right of the front door.

Location #2

The premises located at 9028 West Sunset Boulevard, #307 further described as a retail store located on the third floor of a three story commercial building, white in color. The building has the numbers "9028" on the front door and LA GUNS on the wall above the front door. The numbers "307" are attached to the wall to the right of the front entrance to the store. The numbers "307" are also attached to a wooden door behind the security door.

Location #3

The premises located at 39218 Cedar Dell Road, Fawnskin, San Bernadino County, California further described as a two story wood cabin, brown in color with brown trim. The numbers "39218" are affixed to the railing of the front porch.

Location #4

506 North Vista Street, Los Angeles, California

The premises located at 506 North Vista Street further described as a two story apartment building, white in color with blue-gray trim. The number "506" is affixed to the wall to the right of the front door.

The search at all four above-described locations is to include all rooms, attics, basements, and other parts within the above described apartment, the surrounding grounds and any garages, storage areas, safes, trash containers, vehicles and outbuildings of any kind located thereon.

VEHICLES:

A 2003 Landrover, License No. 40SW registered to LA GUNS and Zoltan Szajer, and

A 1965 Ford pickup truck, License No. R35050 registered to Zoltan Szajer, and

Any other vehicles located on or appurtenant to the above listed locations available for the use of the suspects.

DESCRIPTION PAGE 1

FOR THE FOLLOWING PROPERTY:

All assault weapons and machineguns including; component parts used to construct assault weapons and machineguns including but not limited to frames, receivers, barrels, bolts, stocks, magazines, firing pins, extractors, ejectors, sights, floor plates, and trigger assemblies; . publications, manuals, schematics, video tapes, compact discs, DVDs, drawings and blueprints showing the assembly of firearms from component parts; counterfeit, altered or expired Federal Firearms Licenses, photo copies of Federal Firearms Licenses; counterfeit, altered or expired Federal Firearms Licenses, Special Occupation Tax Stamps and California DOJ permits for the possession, manufacture or sale of assault weapons, machineguns or destructive devices; firearm acquisition and disposition records, including but not limited to firearm shipping invoices, firearms dealer's record of sale, firearms inventory lists, receipts for the sale and purchase of firearms and firearm components, order forms for firearm purchases, firearm acquisition and disposition bound books;

All electronic data processing and storage devices, computers and computer systems, such as central processing units, internal and peripheral storage devices such as fixed disks, internal or external hard drives; floppy disk drives and diskettes, tape drives and tapes, optical storage devices, dongles or encryption keys, personal data assistants (PDA's) or other memory storage devices; and any/all peripheral input/output devices such as keyboards, printers, video display monitors, optical readers and related communication devices such as modems, associated telephone sets, speed dialers, or other controlling devices, plotters, software to run programs, connecting cables and plugs, peripherals such as joysticks, mouses, or other input devices, scanners, writing pads, manuals, connecting switches, telephones and telephone cables, and interface devices; system documentation, operating logs and documentation, software and instructional manuals. Computing or data processing software, stored on any type of medium such as: hard disks, floppy disks, CD-R's, CD-RW's, DVD's, cassette tapes, or other permanent or transient storage medium.

Articles of personal property tending to establish the identity of persons in control of the premises, storage areas, safes, and containers being searched, including utility company receipts, bills, rent receipts, letters, addressed envelopes and keys.

DESCRIPTION PAGE 2

SEARCH WARRANT AND AFFIDAVIT

1 Your affiant, Detective Michael Mersereau, Serial No. 33170, has been employed with
 2 the Los Angeles Police Department for approximately nine years. On October 19, 2003, your
 3 affiant was assigned to the Detective Support Division Gun Unit and has worked exclusively in
 4 the investigation of violations of the Dangerous Weapons Control Law. Pursuant to this
 5 assignment, your affiant received 40 hours of formal training at the Police Academy on gun
 6 laws, surveillance, assault weapons and search warrants. Your affiant received an additional
 7 40 hours of training provided by the Bureau of Alcohol, Tobacco, Firearms and Explosives
 8 (BATF) on illegal firearms trafficking, firearms identification and tracing, undercover operations,
 9 hidden compartment identification and recognition, search warrants, assault weapons and
 10 Federal Firearms laws. Your affiant has also received informal training on the above mention
 11 subjects from more experienced investigators. Your affiant routinely reviews California
 12 Department of Justice and Bureau of Alcohol, Tobacco, Firearms and Explosives publications
 13 related to firearms identification and transactions. Your affiant has attended numerous gun
 14 shows and trade expositions. Your affiant routinely reviews Firearms Industry trade
 15 publications. Your affiant has spoken to hundreds of persons engaged in the business of
 16 firearms sales. Your affiant has also been involved in numerous investigations of illegally
 17 transferred firearms and possession of prohibited firearms. Your affiant is thoroughly familiar
 18 with the manner in which both lawful and unlawful firearms transfers are conducted including
 19 the types of paperwork and business records generated and kept by participants in such
 20 transactions.
 21
 22
 23

24 On January 18, 2005 your affiant interviewed arrestee Charles Hanks concerning the
 25 location of assault weapons believed to be owned or possessed by him. Your affiant served a
 26 search warrant on a location based on the information provided by Hanks. Your affiant

[Handwritten signature]

SEARCH WARRANT AND AFFIDAVIT

1 recovered an unregistered FAL type assault rifle from the location. The Bureau of Alcohol,
 2 Tobacco, Firearms and Explosives (BATF) attempted to trace this firearm but could not
 3 determine its final disposition. BATF located records indicating that the firearm was shipped on
 4 March 16, 1995 to L.A. Guns located at 9028 Sunset Boulevard in the City of West Hollywood.
 5 L.A. Guns is owned and operated by suspects Zoltan and Helene Szajer. The Szajers told the
 6 BATF that they had no records of the receipt or disposition for this firearm.

7 On January 18, 2005 your affiant received information from Confidential Informant (CI)
 8 #S96572. CI #S96572 stated that in the late 1990's suspect Zoltan Szajer confided in him that
 9 he possessed 16 machine guns which he kept under the floor boards of his residence. CI
 10 #S96572 said that the residence was owned by Szajer's mother or mother-in-law and it was
 11 located not to far from L.A Guns. CI #S96572 also stated that there is a garage located behind
 12 the residence in which Szajer stores large amounts of ammunition.

13 On October 31, 2005, your affiant contacted Lance Yoshioka of the ^{BATF} and verified that
 14 suspects Zoltan and Helene Szajer jointly hold a Federal Firearms License (FFL) at 9028
 15 Sunset Boulevard in the City of West Hollywood where their retail gun store, L.A. Guns is
 16 located.
 17

18 On October 31, 2005, your affiant contacted Cynthia Johnson at the California
 19 Department of Justice (DOJ). Johnson confirmed that Zoltan and Helene Szajer hold an
 20 Assault Weapons Permit issued by the DOJ. This permit expressly prohibits the acquisition,
 21 possession and or transfer of non-registered assault weapons. Johnson stated that Szajer
 22 does not have a permit for machine guns or destructive devices.
 23

24 On November 16, 2005 CI #S45207 called L.A. Guns at the direction of your affiant and
 25 spoke with a male identifying herself as Helene. CI #S45207 told Helene Szajer that his brother
 26 had passed away leaving behind several firearms in a storage locker. CI #S45207 invited

C-5

SEARCH WARRANT AND AFFIDAVIT

1 Helene Szajer to view the firearms at the storage unit and possibly purchase them. Helene

2 Szajer declined to do so but invited CI #S45207 to bring the firearms to their store.

3 On November 17, 2005 at approximately 0900 hours Detective Kowalsky #31229
4 placed several department owned guns inside the camper shell of a green Dodge Pickup truck
5 (a Colt King Cobra Revolver (Serial No. 1594KC), a Colt Single Action Army revolver (Serial
6 No. 86414SA), a Browning High Power semi-automatic handgun (Serial No. 74C14660), a
7 Whitney Wolverine semi-automatic handgun (Serial #30612), a Colt .32 caliber semi-automatic
8 handgun (Serial No. 391615), a Springfield M1A Rifle (Serial No. 012676), a Reising Model 55
9 sub machinegun (Serial No. 78788), a Shilo Sharps single shot rifle (Serial No. 3843), a
10 Browning 45-70 lever action rifle Serial No. 05749PT197), and a Colt Python revolver (Serial
11 No. KT1913). The Springfield M1A rifle and the Whitney Wolverine handgun are Assault rifles
12 per 12276.1 of the California Penal Code. Neither one of these firearms are registered to CI
13 #S45207 and can not be legally purchased or possessed by suspects Helene and Zoltan
14 Szajer. The Reising sub machinegun cannot be legally purchased or possessed by the Szajers
15 without a machinegun permit. The Szajers do not have said permit.

16
17 At approximately 1403 hours CI #S45207 was driven to the rear parking lot of 9028
18 Sunset Boulevard by Officer Dougherty in the green Dodge Pickup truck. Officer Dougherty
19 parked the truck and exited the parking lot on foot with CI #S45207. They walked to the front of
20 9028 Sunset Boulevard. CI # S45207, who was fitted with a body wire and a video camera,
21 entered L.A Guns carrying three of the above listed handguns. Your affiant monitored the
22 following activity between CI #S45207 and the Szajers via the body wire.
23

24 CI #S45207 entered the location and made contact with both Helene and Zoltan Szajer.
25 CI #S45207 offered the handguns he was carrying and the additional firearms still in the truck
26 for sale. Helene and Ted Szajer then accompanied CI #S45207 to the truck and they carried

SEARCH WARRANT AND AFFIDAVIT

1 the additional firearms into the store. Zoltan Szajer examined the firearms with the assistance
 2 of Helene Szajer. Zoltan Szajer agreed to purchase all of the above-listed firearms including
 3 the two assault weapons and the sub machinegun for \$1800.00. Several moments later Zoltan
 4 Szajer reversed himself and told CI #S45207 he thought the Reising sub machinegun might be
 5 an illegal weapon. Zoltan Szajer advised CI #S45207 to take the Reising sub machinegun to
 6 the Sheriff's department. Zoltan Szajer then offered to take the Reising sub machinegun to the
 7 Sheriff's department for CI #S45207. CI #S45207 agreed to allow Zoltan Szajer to keep the
 8 Reising sub machinegun. Helene Szajer then assisted CI #S45207 in completing the
 9 paperwork for the sale of the firearms to L.A. Guns. During this process Zoltan Szajer stated
 10 that he would have to remove the flash suppressor from the M1A rifle. The flash suppressor is
 11 the feature that defines that firearm as an assault weapon per section 12276.1 of the California
 12 Penal code. After completing the paperwork CI #S45207 was given a check for \$1600.00. CI
 13 #S45207 then exited the store.

14
 15 Your affiant then entered the store and detained Helene and Zoltan Szajer without
 16 incident. Your affiant then recovered the eleven department guns from the store.

17 Your affiant determined that suspects Helene and Zoltan Szajer reside at 508 North
 18 Vista Street in the City of Los Angeles in the following ways:

- 19 1. On October 31, 2005 at approximately 0615 hours your affiant observed a Black 2003
 20 Landrover, License No. 40SW parked in the driveway of that address. A check of the State
 21 of California Department of Motor Vehicles (DMV) database showed that that vehicle is
 22 registered to Zoltan Szajer at 9028 Sunset Boulevard, West Hollywood.
- 23 2. On November 14, 2005 your affiant received utility information from Bealy #A9077 of the
 24 Los Angeles Police Department Vice Division for 508 North Vista Street, Los Angeles. The
 25 utilities returned to Ted Szajer with a California Driver's License No. N6355757. A check of
 26

C 7

SEARCH WARRANT AND AFFIDAVIT

DMV records showed that this Driver's License was issued to suspect Szajer.

3. While in police custody both Helene and Zoltan Szajer confirmed that he resides at 508 Vista Street, Los Angeles.

Your affiant determined that suspect Szajer owns a vacation home located at 39218 Cedar Dell Road, Fawnskin, CA in the following way:

1. A check of property records through AutoTrack shows the owner of that residence to be Z T Szajer with a mailing address of 9028 W Sunset Boulevard, West Hollywood.

2. On November 2, 2005, Detective Conrado #25700 observed a trailer License No. 4AY4004 parked to the rear of that location. A check of DMV records showed that this trailer is registered to Zoltan Ted Szajer at 9028 Sunset Boulevard, West Hollywood.

3. While in police custody Helene Szajer confirmed that they own 39218 Cedar Dell Road, Fawnskin and use it as a vacation home.

Your affiant determined that suspect Szajer's place of business is L.A. Guns located at 9028 West Sunset Boulevard #307, West Hollywood in the following ways.

1. On October 31, 2005, your affiant contacted Lance Yoshioka of the Bureau of Alcohol, Tobacco, Firearms and Explosives and verified that suspects Zoltan and Helene Szajer jointly hold a Federal Firearms License (FFL) at 9028 Sunset Boulevard in the City of West Hollywood where their retail gun store, L.A. Guns is located.

2. On November 16, 2005 your affiant viewed the website, www.laguns.com. This website identifies Ted and Helene Szajer as the owners of L.A. Guns located at 9028 Sunset Boulevard #307, West Hollywood. The website contains photographs of both suspects. Your affiant has observed both suspects in person and in DMV photos and recognized the photos on the website to be Zoltan and Helene Szajer.

3. While in police custody Helene and Zoltan Szajer confirmed that they own and operate L.A.

SEARCH WARRANT AND AFFIDAVIT

Guns located at 9028 Sunset Boulevard, #307, West Hollywood.

1
2 Your affiant knows that 506 North Vista Street is occupied by suspect Helene Szajer's
3 mother and that suspects Helene and Zoltan Szajer have access to 506 Vista Street based on
4 the following:

5 1. On November 17, 2005 your affiant spoke with Alice Weiner, suspect Helene Szajer's
6 mother. Alice Weiner said she resides at 506 Vista Avenue in the same building as Helene and
7 Zoltan Szajer. Alice Weiner stated that Helene and Zoltan Szajer have a key to her apartment
8 and can let themselves in.

9 Based upon the facts contained within this affidavit and my training and experience, it is
10 your affiant's opinion that suspects Helen and Zoltan Szajer are engaged in illegal firearms
11 trafficking in assault weapons and machineguns and that the items sought will be found in the
12 described location.

13
14 Despite their aversion to generating official records, it is your affiant's experience
15 that individuals engaged in illegal firearms trafficking keep and maintain personal business
16 records of their activities. Your affiant wishes to seize any such records as described
17 above including electronically produced records.

18 Your affiant also requests any fictitious, altered or expired Federal Firearms
19 Licenses (FFL), Special Occupation Tax stamps (SOT) or California Department of Justice
20 permits for the possession of, manufacture of or sale of assault weapons, machineguns
21 and destructive devices or photocopies thereof. It is your affiant's experience that illegal
22 firearm traffickers utilize these documents to facilitate their illegal activities.

23
24 Your affiant also requests any packaging, shipping labels, envelopes, boxes, invoices,
25 receipts, correspondence and order forms for the above-described property.

26 Your affiant believes that the above described items will be found in Helene and

RYAN
C 9

STATE OF CALIFORNIA - COUNTY OF LOS ANGELES

Page 8 of 8

SEARCH WARRANT AND AFFIDAVIT

1 Zoltan Szajer's residences, place of business and the residence of Alice Weiner and that
2 recovery of said items would tend to show the origin of the illegally possessed weapons
3 found in the possession of Helene and Zoltan Szajer and that Helene and Zoltan Szajer
4 have been engaged in the above described illegal activities. I also wish to seize any
5 articles of personal property as described above establishing the identity of persons who
6 have dominion and control over the premises and vehicles to be searched.

7 Night service is requested, as your affiant fears that if there is a delay in seizing the
8 items sought they may make their way into the community where they would pose a
9 significant threat to public safety.
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EXHIBIT 3

PARTIAL TRANSCRIPTS OF TELEPHONE
CALLS MADE NOVEMBER 17, 2005:

1. Z. SZAJER TO WEST HOLLYWOOD
SHERIFF'S STATION:

"YES, TED SZAJER HERE. I
OWN L.A. GUNS. CAN YOU SEND AN
OFFICER DOWN HERE, I THINK I
JUST BOUGHT A MACHINE GUN FROM
SOMEONE (SOMEBODY?) HERE."

2. WEST HOLLYWOOD SHERIFF'S DEPUTY
MCDOWELL TO DETECTIVE TOMPKINS:

"THEY DID CALL US. THEY
JUST SAID WE GOT SOME GUY HERE
TRYING TO SELL US A GUN AND
THEN WHEN WE PUT THEM ON HOLD
AND TRIED PAGING YOU BECAUSE WE
KNEW YOU HAD THAT OPERATION
GOING. AND THEN WHEN WE
TRIED CALLING THE LOCATION
ITSELF THEY DIDN'T ANSWER."

EXHIBIT 4

DEPOSITION OF
ZOLTAN SZAJER

ORIGINAL

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HELENE SZAJER, ZOLTAN SZAJER,)

PLAINTIFFS,)

V.)

CITY OF LOS ANGELES, ET AL.,)

DEFENDANTS.)

CASE NO. CV07-07433 SVW (PLAX)

DEPOSITION OF ZOLTAN SZAJER

JULY 11, 2008

REPORTED BY:
RENEE A. PACHECO
CSR NO. 11564
JOB NO. 08AE606-RP



515 S. Flower Street
Suite 3600
Los Angeles, California 90071
Office: (213) 955-0070
Fax: (213) 955-0077

1 Q. WHAT WAS THE SUM AND SUBSTANCE OF THE
2 CONVERSATION BETWEEN YOU AND THE INFORMANT
3 CONCERNING HIM TAKING THE WEAPON, THAT PARTICULAR
4 ITEM, TO THE SHERIFF'S DEPARTMENT?

5 A. ONCE I DECIDED I DIDN'T WANT TO BUY THE
6 GUN, I PUT IT BACK INTO ITS BAG AND TOLD HIM TO
7 JUST TAKE IT TO THE SHERIFF'S DEPARTMENT AND GIVE
8 IT TO THEM.

9 Q. WHAT WAS HIS RESPONSE?

10 A. HE LIFTED HIS ARMS AND SAID, "I CAN'T DO
11 THAT. THEY'LL ARREST ME ON THE SPOT."

12 Q. WHAT HAPPENED NEXT?

13 A. I ASSURED HIM THAT THEY WOULDN'T ARREST
14 HIM AND TO USE MY NAME, AND THEY WILL TREAT HIM
15 WITH RESPECT.

16 Q. WHAT HAPPENED THEN?

17 A. HE INSISTED THAT HE DIDN'T WANT TO DO
18 THAT. I THOUGHT ABOUT IT FOR A MOMENT AND
19 ENVISIONED THIS GUN BEING THROWN IN A GARBAGE CAN,
20 SO I RELUCTANTLY AGREED TO GIVE IT TO THEM MYSELF.

21 Q. AT SOME POINT -- WITHDRAW THAT.

22 AT PAGE 5 OF 8 OF THE SEARCH WARRANT AND
23 AFFIDAVIT, LINES 9 THROUGH 14, IT READS, QUOTE:

24 "DURING THE PROCESS ZOLTAN
25 SZAJER STATED THAT HE WOULD HAVE TO

1 FIREARM SOLD TO MR. HANKS?

2 A. I TOLD THEM THAT I DON'T HAVE A RECORD OF
3 THAT FIREARM WITH THAT SERIAL NUMBER, BUT I DO HAVE
4 RECOLLECTION OF SELLING AN F.A.L. TO MR. HANKS, AND
5 COULD THEY PLEASE WRITE DOWN THE SERIAL NUMBER THAT
6 I HAD RECORDED AND CONFIRM TO SEE IF THAT NUMBER
7 WAS ALSO ON THE GUN.

8 Q. DID YOU GIVE THEM THAT NUMBER?

9 A. I DID GIVE THEM THAT NUMBER.

10 Q. DO YOU HAVE A RECEIPT FOR THE WEAPON SOLD
11 MR. HANKS?

12 A. YES, I DO.

13 Q. DURING THE LATE 1990'S, DID YOU EVER TELL
14 THE INFORMANT -- DID YOU EVER TELL ANYONE THAT YOU
15 POSSESSED 16 MACHINE GUNS?

16 A. I DID NOT.

17 Q. DID YOU EVER TELL ANYONE THAT YOU KEPT
18 MACHINE GUNS UNDER THE FLOORBOARDS OF YOUR
19 RESIDENCE?

20 A. I DID NOT.

21 Q. WHEN YOU WERE SPEAKING TO THE INFORMANT
22 ON NOVEMBER 17TH, 2005, DID YOU IDENTIFY THE WEAPON
23 THAT YOU LATER CALLED THE SHERIFF'S DEPARTMENT
24 ABOUT AS A REISING SUBMACHINE GUN?

25 A. I DID NOT.

1 A. IS ON AROUND 2003 TO 204.

2 Q. DURING THE TIME YOU OPERATED L.A. GUNS
3 APPROXIMATELY HOW MANY F.A.L.-TYPE WEAPONS CAME
4 INTO YOUR ACQUISITION?

5 A. TOTAL OF THREE.

6 Q. WAS THE GUN SOLD TO MR. HANKS ONE OF
7 THOSE WEAPONS?

8 A. YES, IT WAS.

9 Q. DID YOU LOG THAT WEAPON INTO YOUR
10 ACQUISITION AND DISPOSITION BOOK?

11 A. YES, I DID.

12 Q. HOW MANY SERIAL NUMBERS WERE ON THE
13 WEAPONS SOLD MR. HANGS?

14 A. AT LEAST THREE.

15 Q. WAS THERE A PROBLEM OR DIFFICULTY
16 CONCERNING THE SERIAL NUMBER OF THE WEAPON AND YOUR
17 LOGGING IT OR REGISTERING IT?

18 A. THERE WAS.

19 Q. WHAT WAS THAT?

20 A. WHEN I GOT THE PHONE CALL FROM A.T.F.
21 ASKING ME ABOUT THE ARGENTINE F.A.L., THE NUMBER
22 THEY READ OFF TO ME WAS DIFFERENT THAN THE NUMBER I
23 HAD USED TO LOG THE GUN INTO OUR BOOKS.

24 Q. DID YOU TELL THE A.T.F. PEOPLE THAT YOU
25 HAD NO RECORDS OF THE RECEIPT OR DISPOSITION OF THE

EXAMINATION

BY MR. ADLER:

Q. CONCERNING THE WHITNEY WOLVERINE PISTOL THAT THE INFORMANT BROUGHT IN ON NOVEMBER 17, 2005, WERE THE THREADS AT THE END OF THE BARREL VISIBLE TO YOU?

A. THEY WERE NOT.

Q. WHY NOT?

A. THE WOLVERINE HAS A KNURLED COVERING ON THE THREADS.

Q. HAD YOU EVER SEEN A WHITNEY WOLVERINE PISTOL BEFORE THAT DATE?

A. NEVER.

Q. CONCERNING THE SEARCH WARRANT IN THIS MATTER ADDRESSING PAGE 3 OF 8, LINES 5 AND 6 -- OR THE FIRST PARAGRAPH:

DID YOU SELL A FIREARM TO MR. HANKS SOME TIME APPROXIMATELY 1995?

A. YES.

Q. WHAT TYPE OF WEAPON WAS THAT?

A. ARGENTINE F.A.L., F.M.A.P.

Q. DID -- WERE YOU EVER CONTACTED BY THE A.T.F. CONCERNING AN ARGENTINE F.A.L.-TYPE WEAPON?

A. YES.

Q. APPROXIMATELY WHEN WAS THAT?

1 MACHINE GUN?

2 A. I WAS TRYING TO STREAMLINE IT. I GUESS,
3 I COULD HAVE SAID I --

4 MR. ADLER: ANSWER THE QUESTION.

5 THE DEPONENT: OKAY. REPEAT THE QUESTION.

6 BY MR. MILLER:

7 Q. SURE.

8 YOU HAD COME INTO POSSESSION OF A MACHINE
9 GUN, BUT YOU CLAIM YOU DIDN'T BUY IT?

10 A. I WAS HOLDING A MACHINE GUN, BUT I DID
11 NOT BUY IT.

12 Q. AT THE TIME YOU CANCELED THE 1,800 OFFER
13 TO THIS GUY AND MADE IT A 1,600 DOLLAR OFFER, YOU
14 REALIZED HE HAD GIVEN YOU A MACHINE GUN; CORRECT?

15 A. COULD YOU REPEAT THAT A LITTLE BIT
16 LOUDER?

17 Q. SURE.

18 AT THE TIME THAT YOU CANCELED THE 1,800
19 DOLLAR OFFER TO THIS GUY FOR 11 GUNS AND MADE IT
20 1,600 DOLLAR OFFER FOR TEN GUNS, YOU REALIZED HE
21 HAD BROUGHT IN A MACHINE GUN, WHICH YOU COULD NOT
22 HAVE?

23 A. THAT'S NOT CORRECT.

24 Q. DO YOU BELIEVE YOU COULD HAVE A MACHINE
25 GUN IN YOUR STORE?

1 CONVERSATION OR TWO TELEPHONE CONVERSATIONS?

2 A. THIS WAS ONE TELEPHONE CONVERSATION UP
3 UNTIL MELANIE ASKED ME ABOUT THE CAMERAS, AND THEN
4 I TOLD HER WE DIDN'T HAVE CAMERAS, AND THAT WAS THE
5 END OF THAT PHONE CONVERSATION, WHICH APPARENTLY
6 OCCURRED JUST MINUTES AFTER MELANIE LEFT
7 D.A. JESIC'S OFFICE.

8 Q. AND SHE SAID THAT JESIC HAD SPOKEN TO
9 TOMPKINS THAT DAY?

10 A. THAT DAY.

11 Q. AND THAT WAS THE DAY THAT MELANIE HAD
12 GIVEN THE TAPE OF YOUR TELEPHONE CONVERSATION?

13 A. TO D.A. JESIC.

14 Q. OKAY. AND ON THAT TAPE OF THAT TELEPHONE
15 CONVERSATION, YOU ADMITTED TO BUYING A REISING
16 MACHINE GUN, DID YOU NOT?

17 A. I BELIEVE I SAID MACHINE GUN.

18 Q. I WAS CONCENTRATING ON BOUGHT. DIDN'T
19 YOU SAY ON THAT TAPE TO THE L.A. SHERIFF'S "I JUST
20 BOUGHT A MACHINE GUN"?

21 A. I THINK I DID SAY, "I JUST BOUGHT A
22 MACHINE GUN."

23 Q. OKAY. THAT WASN'T ACCURATE WAS IT?

24 A. IT WASN'T ACCURATE.

25 Q. BUT YOU HAD COME INTO POSSESSION OF A

1 BUSINESS OF EVER DISPOSING OF IT VIA HAZARDOUS
2 WASTE?

3 A. I HAVEN'T HAD TO.

4 Q. GENERALLY YOU WERE ABLE TO GET RID OF
5 EVERYTHING WITHIN A YEAR?

6 A. YES.

7 Q. OKAY. HOW ABOUT D?

8 A. THIS IS A PICTURE OF HELENE'S OFFICE.

9 Q. AND WHY DID YOU TAKE THAT PHOTO?

10 A. I DIDN'T TAKE THESE PHOTOS.

11 Q. WHO TOOK THEM?

12 A. I DON'T KNOW.

13 Q. YOU HAVE NO IDEA WHERE THEY CAME FROM?

14 A. WELL, THEY CAME FROM MR. ADLER.

15 Q. DO YOU KNOW WHERE HE GOT THEM?

16 A. I DON'T.

17 Q. DO YOU KNOW WHEN THEY WERE TAKEN?

18 A. I DON'T.

19 Q. YOU DON'T KNOW WHY THEY WERE TAKEN?

20 A. I DON'T.

21 Q. HAVE YOU EVER SEEN THOSE PICTURES BEFORE
22 TODAY?

23 A. I'VE SEEN SIMILAR PICTURES.

24 Q. AND WHERE HAD YOU SEEN SIMILAR PICTURES?

25 A. MR. JACOBSON HAD SOME PICTURES THAT HE

1 A. SINCE 1995.

2 Q. OKAY. AND WHAT ABOUT "B"?

3 A. LOOKS LIKE THE SAME EXACT STACK OF AMMO.

4 Q. OKAY. HOW ABOUT "C"?

5 A. "C" IS THE TO-BE-DISPOSED-OF PILE IN THE
6 GUITAR ROOM.

7 Q. AND CAN YOU ESTIMATE FOR ME THE LENGTH OF
8 TIME ANY OF THE AMMUNITION HAD BEEN THERE?

9 A. PROBABLY A YEAR OR SO.

10 Q. IF IN "A" YOU HAD SOME AMMO THAT COULD
11 HAVE BEEN AS OLD AS TEN YEARS OLD UP TO A COUPLE
12 WEEKS BEFORE THE INCIDENT, WOULD THE SAME BE SAID
13 FOR THE AMMO IN "C"?

14 A. NO.

15 Q. OKAY. AND WHY NOT?

16 A. THE TO-BE-DISPOSED-OF PILE I WOULD GIVE
17 AWAY. I WOULD TRY TO GET RID OF IT.

18 Q. DID YOU HAVE A PRACTICE THAT YOU TOOK IT
19 TO A HAZARDOUS WASTE DISPOSAL IF YOU HADN'T GOTTEN
20 RID OF IT BY A CERTAIN DAY OR PEOPLE DIDN'T WANT TO
21 TAKE IT?

22 A. ACTUALLY, I WOULD JUST GIVE IT TO
23 CLIENTS.

24 Q. OKAY. SO IT WAS NEVER GIVEN -- YOU DID
25 NOT MAKE IT A PRACTICE IN YOUR YEARS OF DOING

1 (DEFENDANTS' EXHIBIT NUMBER 1
2 WAS MARKED FOR IDENTIFICATION
3 AND IS ATTACHED HERETO.)

4 BY MR. MILLER:

5 Q. LOOKING AT EXHIBIT 1, PAGE 1, WITH THE
6 UPPER LEFT-HAND CORNER BEING A; B, ON THE UPPER
7 RIGHT; BOTTOM LEFT WILL BE C; BOTTOM RIGHT WILL
8 BE D.

9 CAN YOU TELL ME WHAT IS DEPICTED IN EACH
10 OF THOSE PICTURES?

11 A. SURE CAN. OKAY.

12 MR. ADLER: JUST ANSWER THE QUESTION. DON'T GO
13 THROUGH THE WIND UP.

14 THE DEPONENT: IS THAT AN "A"?

15 BY MR. MILLER:

16 Q. YES.

17 A. SORRY. "A" IS A PICTURE OF "TED'S PILE"
18 OF AMMUNITION, AMMUNITION THAT WE TOOK IN AND IT'S
19 SAFE TO SHOOT AND AMMUNITION I HAD -- THAT WERE IN
20 CALIBERS THAT I HAD GUNS FOR.

21 Q. OKAY. HOW LONG HAD YOU BEEN COLLECTING
22 THAT, IF YOU CAN ESTIMATE WHAT WAS YOUR OLDEST --
23 DID YOU HAVE AMMO THAT WAS MAYBE TEN YEARS OLD
24 THERE UP TO STUFF THAT WAS OBTAINED A COUPLE WEEKS
25 BEFORE THE INCIDENT?

1 EXAMINING IT BEFORE WE DECIDED WHICH ONE OF THE
2 THREE PLACES IT'S GOING TO GO TO.

3 Q. AND DID YOU -- I ASKED YOU TO BRING -- DO
4 YOU HAVE THE ORIGINAL PICTURES OF -- OR THE POWER
5 POINT OF WHAT WAS PRESENTED TO THE DISTRICT
6 ATTORNEY BY YOUR ATTORNEYS?

7 MR. ADLER: I BELIEVE WE HAVE SOME PICTURES.
8 MAYBE WE CAN GO OFF THE RECORD FOR A
9 MOMENT.

10 (DISCUSSION HELD OFF THE RECORD.)

11 MR. ADLER: OKAY. BACK ON THE RECORD, I AM
12 SHOWING AND HANDING MR. MILLER FOUR SHEETS OF PAPER
13 EACH CONTAINING FOUR COLOR PHOTOGRAPHS.

14 MR. MILLER: ARE THESE MINE TO KEEP?

15 MR. ADLER: NO. PLEASE MAKE COPIES.

16 MR. MILLER: OKAY. CAN WE ATTACH THE ORIGINALS
17 TO THE DEPOSITION SO WE CAN GET COLOR COPIES AND
18 THEN YOU'LL GET THE ORIGINALS BACK AS ATTACHED TO
19 THE DEPOSITION.

20 MR. ADLER: SURE.

21 MR. MILLER: OKAY. SINCE THESE ARE COMING BACK
22 TO YOU, WE'LL START WITH EXHIBIT 1, IF THAT'S ALL
23 RIGHT, COUNSEL?

24 MR. ADLER: THAT'S FINE.

25 ///

1 BEFORE YOU SORTED IT INTO ONE OF THE THREE PILES?

2 A. LONGEST TIME. AN HOUR.

3 Q. THE AMMO NEVER STAYED IN THE STORE, NOT
4 IN ANY UNSORTED FORM, FOR A DAY OR TWO?

5 A. NO.

6 Q. DID YOU EVER GO THROUGH THE OLDER AMMO
7 THAT YOU DIDN'T THINK WAS SAFE, OR DID YOU JUST
8 KIND OF TOSS IT INTO THE GUITAR ROOM?

9 A. I WOULD HAVE TO GO THROUGH THE AMMO TO
10 DETERMINE THAT I HAD NO USE FOR IT, OR IT WAS
11 UNSAFE.

12 Q. AND THEN ONCE IT -- ONCE YOU MADE THAT
13 DETERMINATION, IT WOULD JUST SIT IN THE MILK CRATE
14 IN THE GUITAR ROOM?

15 A. YES.

16 Q. NEVER TO BE TOUCHED AGAIN?

17 A. I WOULD OFFER IT TO ANY CLIENTS THAT
18 WOULD WANT IT OR HAD SOME USE FOR IT.

19 Q. AND IS IT YOUR POSITION THAT MEMBERS OF
20 L.A.P.D. BROUGHT TRACER AMMUNITION INTO YOUR STORE
21 ON NOVEMBER 17, 2005?

22 A. YES.

23 Q. WHAT DO YOU BASE THAT ON?

24 A. I BASE IT ON OUR SYSTEM OF GOING THROUGH
25 EVERY DROP OF AMMO THAT COMES IN THE FRONT DOOR AND

1 BY MR. MILLER:

2 Q. -- THE ONLY BUSINESS YOU WERE INVOLVED IN
3 THAT WAS REGISTERED TO THAT ADDRESS ON EXPOSITION
4 WAS THE GUN CLUB?

5 A. THAT'S CORRECT.

6 Q. OKAY. ON NOVEMBER 17, 2005, DID YOU GET
7 SOME AMMUNITION FROM THE PERSON WHO BROUGHT UP
8 THOSE GUNS?

9 A. I'M NOT AWARE OF ANY AMMUNITION THAT WAS
10 BROUGHT UP BY THE UNDERCOVER OPERATIVE.

11 Q. YOU DON'T REMEMBER SAYING YOU WOULD TAKE
12 CARE OF OR -- YOU KNOW, YOU COULD DISPOSE OF OR
13 SORT THROUGH OR SEE WHAT YOU WANTED OF THE
14 AMMUNITION THAT HE BROUGHT UP?

15 A. I DON'T RECALL HIM BRINGING ANY
16 AMMUNITION UP.

17 Q. OKAY. DID YOU HAVE A PRACTICE AT -- WHEN
18 YOU WERE OPERATING L.A. GUNS ABOUT WHAT YOU DID
19 WITH AMMUNITION?

20 A. ABSOLUTELY.

21 Q. AND WHAT WAS THAT PRACTICE?

22 A. YOU'RE REFERRING TO AMMUNITION THAT WAS
23 BROUGHT IN OFF THE STREET?

24 Q. YES.

25 A. ONE OF THREE THINGS HAPPENED TO THIS

1 A. OFFICERS PROCEEDED TO SEARCH MY STORE.

2 Q. DID THEY INDICATE THEY WERE IN THE
3 PROCESS OF GETTING A WARRANT?

4 A. THEY DID NOT.

5 Q. NOW, BY "SEARCH" THE STORE, WERE THEY
6 OPENING DRAWERS, OPENING SAFES? WHAT WERE THEY
7 DOING?

8 A. OPENING DOORS, OPENING SAFES, ASKING ME
9 TO OPEN SAFES, LOOKING IN DRAWERS, LOOKING IN MY
10 COMPUTER.

11 Q. DID YOU GIVE THEM PASSWORDS?

12 A. I DID NOT.

13 Q. AND HOW LONG DO YOU ESTIMATE
14 DETECTIVE MERSEREAU WAS THERE?

15 A. HE WAS THERE THE WHOLE TIME I WAS THERE.

16 Q. AND YOU WERE THERE TILL WHEN?

17 A. 7:30.

18 Q. AND WHERE DID YOU GO THEN?

19 A. WE WERE DRIVEN -- MY WIFE AND I WERE
20 DRIVEN DOWNTOWN TO BE BOOKED.

21 Q. TO PARKER CENTER?

22 A. PARKER CENTER, I BELIEVE.

23 Q. AND YOU WENT THROUGH THE BOOKING PROCESS?

24 A. YES.

25 Q. AND HOW LONG DID YOU SPEND IN JAIL?

1 Q. KIND OF A GOOD COVER, WASN'T IT? YOU
2 DON'T HAVE TO ANSWER THAT.

3 HOW TALL WAS HE, WOULD YOU ESTIMATE?

4 A. I WOULD SAY FIVE EIGHT.

5 Q. AND HIS APPROXIMATE BUILD -- OR WEIGHT?

6 A. MAYBE 160.

7 Q. SO HE WAS SHORTER AND THINNER THAN THE
8 PERSON WHO POINTED THE GUN AT YOU?

9 A. YES.

10 Q. AND -- I'M SORRY I FORGOT TO ASK -- THE
11 ETHNICITY OF THE PERSON WHO POINTED THE GUN AT YOU?

12 A. CAUCASIAN.

13 MR. MILLER: WE SHOULD TAKE A LITTLE BREAK FOR
14 HER FINGERS, TEN MINUTES.

15 MR. ADLER: THAT'S FINE.

16 (A RECESS WAS HELD.)

17 BY MR. MILLER:

18 Q. ALL RIGHT. WHEN THE POLICE CAME IN, DID
19 THEY EXPLAIN WHY THEY WERE THERE?

20 A. NO.

21 Q. WERE YOU HANDCUFFED?

22 A. I WAS HANDCUFFED.

23 Q. AND FOR HOW LONG WERE YOU HANDCUFFED?

24 A. APPROXIMATELY ONE HOUR.

25 Q. AND WHAT HAPPENED DURING THAT HOUR?

1 Q. DO YOU REMEMBER ANY CONVERSATION WHEREBY
2 YOU INDICATED THAT MRS. SZAJER WOULD HELP HIM BRING
3 THEM UP?

4 A. YES, I REMEMBER THAT.

5 Q. OKAY. SO THE MAN AND MRS. SZAJER LEFT
6 THE STORE; CORRECT?

7 A. CORRECT.

8 Q. AND DID YOU GO DOWN TO THE TRUCK AT ANY
9 TIME?

10 A. I MADE ONE TRIP AS WELL. I DID GO DOWN
11 TO THE TRUCK AND BROUGHT UP A COUPLE OF THE LONG
12 GUNS WHICH WERE -- A COUPLE OF WHAT I ASSUMED TO BE
13 LONG GUNS THAT WERE IN CASES.

14 Q. OKAY. AND THEN MRS. SZAJER AND THIS
15 OLDER MAN BROUGHT UP THE REST OF THE GUNS; CORRECT?

16 A. THAT'S CORRECT.

17 MR. ADLER: EXCUSE ME. MAY I HAVE A MINUTE
18 BREAK TO SPEAK TO MY CLIENT IN THE HALLWAY.

19 MR. MILLER: SURE.

20 (A RECESS WAS HELD.)

21 BY MR. MILLER:

22 Q. BASED ON YOUR DISCUSSION WITH COUNSEL, DO
23 YOU WANT TO AMEND ANY OF YOUR ANSWERS?

24 A. NO.

25 Q. FOR ANY OTHER REASON, DO YOU WANT TO

1 A. BY "GENTLEMAN," YOU MEAN THE UNDERCOVER
2 AGENT FOR L.A.P.D. I'M THINKING APPROXIMATELY --
3 MY BEST GUESS WOULD BE THAT THE ENTIRE TRANSACTION
4 LASTED MAYBE 10, 15 MINUTES.

5 Q. OKAY. AND DURING THAT 10 TO 15 MINUTES,
6 THE PERSON CAME UP INTO YOUR STORE AND BROUGHT YOU
7 APPROXIMATELY THREE GUNS FOR YOUR REVIEW; IS THAT
8 CORRECT?

9 A. HE BROUGHT MORE THAN THREE GUNS.

10 Q. WELL, INITIALLY DID HE COME UP HUFFING
11 AND PUFFING, HE BROUGHT THREE PISTOLS?

12 A. OH, I DON'T REMEMBER WHAT HE BROUGHT UP
13 FIRST.

14 Q. OKAY. AT SOME TIME DID HE SAY, "HEY, I
15 GOT A BUNCH MORE GUNS IN MY TRUCK, WOULD YOU LIKE
16 TO COME DOWN AND LOOK AT THEM AND SEE IF THEY'RE OF
17 INTEREST TO YOU"?

18 A. I DON'T THINK SO. I THINK WHAT HE SAID
19 WAS "COULD YOU HELP ME BRING THE GUNS UP."

20 Q. OKAY. YOU DON'T REMEMBER HAVING A LONG
21 DISCUSSION WITH HIM THAT THE L.A. SHERIFF'S WOULD
22 FROWN ON YOU LOOKING LIKE YOU TRANSACTED BUSINESS
23 IN THE PARKING LOT SO YOU WOULD PREFER THAT HE
24 BRING THEM UP?

25 A. I DON'T RECALL THAT CONVERSATION AT ALL.

1 Q. WELL, A PERSON CAME INTO YOUR STORE AND
2 CONCLUDED A TRANSACTION AT APPROXIMATELY FIVE OR
3 TEN MINUTES BEFORE THE POLICE CAME IN; CORRECT?

4 A. THAT IS CORRECT.

5 Q. ALL RIGHT. AND THAT PERSON BROUGHT YOU
6 TEN GUNS; IS THAT CORRECT?

7 A. I DON'T KNOW THE EXACT NUMBER.

8 Q. DID YOU AND YOUR WIFE MEET AN OLDER
9 GENTLEMAN -- WHO HAD SOME TROUBLE BREATHING, HAD
10 SOME TROUBLE SEEING -- FOR ABOUT AN HOUR PRIOR TO
11 THE POLICE COMING?

12 A. AN HOUR BEFORE THE POLICE COMING?

13 Q. WELL, IF THE POLICE CAME, LET'S SAY, AT
14 3:40 IN THE AFTERNOON, SO FROM APPROXIMATELY 2:30
15 TILL 3:30, WERE YOU UNDER -- WERE YOU INVOLVED IN A
16 TRANSACTION WITH A MAN?

17 A. VERY SHORTLY BEFORE L.A.P.D. CAME IN WITH
18 GUNS DRAWN, WE -- WE DID ALLOW A PERSON, SUCH AS
19 YOU DESCRIBED, TO COME IN WITH SOME GUNS WITH THE
20 INTENTION OF SELLING IT TO US.

21 Q. OKAY. AND HIS INTENT TO SELL WAS MET BY
22 YOUR INTENT TO BUY?

23 A. ABSOLUTELY, YES.

24 Q. AND HOW LONG WOULD YOU ESTIMATE THAT YOU
25 WERE TRANSACTING BUSINESS WITH THIS GENTLEMAN?

1 ASSAULT WEAPON WITHIN THE STATE OF CALIFORNIA?

2 A. YES.

3 Q. AND WHAT ASSAULT WEAPONS COULD BE SOLD
4 WITHIN THE STATE OF CALIFORNIA THEN?

5 A. AN INDIVIDUAL COULD SELL THEIR ASSAULT
6 WEAPONS TO AN ASSAULT WEAPONS DEALER LIKE MYSELF.

7 Q. WAS THERE ANY RE- -- IN 2005 WAS IT
8 PERMISSIBLE TO DO ANY KIND OF RETAIL, FOR YOU AS AN
9 ASSAULT WEAPONS PERMITTEE OR LICENSEE, TO SELL THEM
10 TO ANY PERSON IN THE STATE OF CALIFORNIA?

11 A. NO.

12 Q. SO IF YOU, AS A GUN DEALER WITH AN
13 ASSAULT WEAPONS PERMIT, BOUGHT AN ASSAULT WEAPON
14 WHO HAD IT PROPERLY REGISTERED, YOU WOULD THEN KEEP
15 IT AND SELL IT OUT OF STATE?

16 A. EXACTLY. I WOULD SELL IT OUT OF STATE.

17 Q. ON NOVEMBER 17TH, 2005, WHY DID YOU
18 PARTICIPATE IN THE PURCHASE OF RESTRICTED ASSAULT
19 WEAPONS WITHIN CALIFORNIA?

20 A. COULD YOU REPEAT THE DATE?

21 Q. ON THE DATE OF THE INCIDENT,
22 NOVEMBER 17TH, 2005.

23 A. NOVEMBER 17TH, 2005, I DID NOT PURCHASE
24 ANY RESTRICTED ASSAULT WEAPONS FROM ANYBODY ON THAT
25 DATE.

1 TAG, AND PUT THAT SAME LETTER ON THE THREE WEAPONS?

2 MR. ADLER: I WOULD OBJECT AS BEING AMBIGUOUS.
3 YOU MEAN PUT ONE TAG ON THREE WEAPONS OR MADE
4 COPIES OF THE ONE TAG AND PUT AN INDIVIDUAL TAG ON
5 EACH WEAPON?

6 MR. MILLER: AN INDIVIDUAL TAG WITH A COPY OF
7 THE SAME LETTER.

8 THE DEPONENT: IF -- IF WHAT YOU ARE SAYING IS
9 WOULD HELENE MAKE -- SAY WE TOOK IN TEN GUNS FROM
10 THE SAME CUSTOMER, AND ON ONE FORM THERE ARE TEN
11 GUNS, WE WOULD HAVE MADE TEN COPIES OF THAT
12 REGISTRATION FORM AND HUNG A COPY ON EACH GUN.

13 BY MR. MILLER:

14 Q. AND THAT WOULD ONLY APPLY AS TO ASSAULT
15 WEAPONS?

16 A. THAT SYSTEM WAS, YES, FOR ONLY ASSAULT
17 WEAPONS.

18 Q. AND YOU HAD AN ASSAULT WEAPONS LICENSE?

19 A. YES, I DID.

20 Q. WHAT IS THE TECHNICAL NAME OF THAT?

21 A. I BELIEVE IT'S "ASSAULT WEAPONS PERMIT."

22 Q. OKAY. IS THAT A FEDERALLY-ISSUED PERMIT
23 OR A STATE-ISSUED PERMIT?

24 A. IT IS ISSUED BY THE STATE OF CALIFORNIA.

25 Q. IN 2005, WAS IT PERMISSIBLE TO SELL ANY

1 KNOWING YOUR INVENTORY, TIME OF YEAR -- THINGS LIKE
2 THAT; CORRECT?

3 A. WOULD BE MY BEST ESTIMATE WITHOUT LOOKING
4 AT THE DOCUMENTS.

5 Q. NOW, WOULD IT BE YOUR RECOLLECTION THAT
6 IN YOUR ORDINARY BUSINESS PRACTICE OF RUNNING L.A.
7 GUNS THAT, EVEN IF ONE PERSON OWNED OR HAD GIVEN
8 YOU FOR STORAGE, MULTIPLE ASSAULT WEAPONS, EACH OF
9 THOSE ASSAULT WEAPONS WOULD HAVE HAD A PIECE OF
10 PAPER HANGING ON IT?

11 A. THAT PROCEDURE THAT YOU JUST DESCRIBED
12 WAS FOR FIREARMS THAT WE BOUGHT FROM CALIFORNIA
13 RESIDENTS AND KEPT IN INVENTORY TO BE SOLD.

14 Q. OKAY. SO, FOR EXAMPLE -- AND I DON'T
15 KNOW -- I THINK THERE WAS A BARRY KUGEL, K-U-G-E-L,
16 WHO HAD GIVEN YOU SOME WEAPONS OR SOLD SOME
17 WEAPONS; IS THAT CORRECT?

18 A. THAT IS CORRECT.

19 Q. OKAY. HIS ASSAULT WEAPON REGISTRATION
20 HAD SEVERAL WEAPONS LISTED ON IT; CORRECT?

21 A. CORRECT.

22 Q. OKAY. YOU WOULD, IN YOUR ORDINARY
23 PRACTICE -- LET'S SAY, MR. KUGEL HAD GIVEN YOU
24 THREE -- YOU WOULD HAVE TAKEN THE SAME LETTER, PUT
25 IT ON A TAG -- ATTACHED IT WITH A PAPER CLIP TO A

1 DO YOU REMEMBER THAT TESTIMONY?

2 A. I DO.

3 Q. OKAY. TO YOUR KNOWLEDGE, WERE THOSE 15
4 SETS OF DOCUMENTS ALL THE DOCUMENTS THAT WERE IN
5 YOUR STORE AT -- ON THE FLOOR AFTER THE POLICE LEFT
6 AFTER SERVING THE SEARCH WARRANT?

7 A. TO THE BEST OF MY KNOWLEDGE, THE
8 DOCUMENTS SCATTERED ACROSS HELENE'S OFFICE, SOME
9 WITH FOOTPRINTS ON THEM, WERE THE ONLY DOCUMENTS
10 THAT L.A.P.D. OPERATIVES LEFT BEHIND WITH REGARDS
11 TO ASSAULT RIFLE REGISTRATIONS.

12 Q. AND DO YOU KNOW APPROXIMATELY HOW MANY
13 ASSAULT WEAPON REGISTRATIONS L.A.P.D. TOOK WITH
14 THEM?

15 A. I DON'T KNOW THE NUMBER EXACTLY. I WOULD
16 HAVE TO ASSUME THAT WHATEVER THEY DIDN'T LEAVE
17 BEHIND THEY TOOK.

18 Q. DO YOU HAVE AN ESTIMATE OF THE NUMBER OF
19 ASSAULT WEAPONS THAT WERE IN YOUR L.A. GUNS STORE
20 ON NOVEMBER 17, 2005, BEFORE -- RIGHT BEFORE THE
21 POLICE CAME IN?

22 A. APPROXIMATELY 40.

23 Q. AND BY "APPROXIMATELY," SINCE WE DID
24 DISCUSS THE ADMONITIONS, THAT WOULD BE YOUR BEST
25 ESTIMATE BASED ON YOUR RUNNING OF THE BUSINESS,

1 Q. WHO WAS YOUR COUNSEL THEN?

2 A. MY COUNSEL WAS BURTON JACOBSON AND CHUCK
3 MICHEL.

4 Q. WAS THERE ANY DISCUSSION THAT YOU WOULD
5 PLEAD TO THAT PARTICULAR GUN WHICH, I BELIEVE, WAS
6 AN AUTOMATIC PISTOL BECAUSE IT WAS TAKEN FROM YOUR
7 HOUSE?

8 A. I DON'T RECALL THAT DISCUSSION.

9 Q. TO YOU, WOULD IT HAVE MADE ANY DIFFERENCE
10 IF YOU WOULD HAVE PLED TO A WEAPON THAT WAS
11 OBTAINED UNDER THE SEARCH WARRANT FROM YOUR STORE?

12 A. THERE WAS NO ILLEGAL WEAPON TAKEN FROM MY
13 STORE.

14 Q. IS IT YOUR CONTENTION THAT EVERY ASSAULT
15 WEAPON THAT WAS TAKEN PURSUANT TO THE WARRANT THAT
16 WAS IN YOUR STORE WAS REGISTERED?

17 A. EVERY WEAPON THAT CALIFORNIA CONSIDERS AN
18 ASSAULT WEAPON WAS, IN FACT -- AND WAS IN MY
19 STORE -- WAS, IN FACT, REGISTERED AND CLEARLY
20 MARKED.

21 Q. LAST TIME WE WERE HERE, I WAS GIVEN
22 APPROXIMATELY 15 SETS, WE CALLED THEM, OF DOCUMENTS
23 THAT CONSTITUTED THE REGISTRATION FORMS THAT YOU
24 CLAIM, OR YOUR WIFE CLAIM, HAD BEEN TAKEN OFF THE
25 GUNS THAT WERE IN THE STORE.

1 STATE OF CALIFORNIA)
) SS.

2 COUNTY OF LOS ANGELES)

3 I, RENEE A. PACHECO , CERTIFIED SHORTHAND
4 REPORTER, CERTIFICATE NUMBER 11564, FOR THE STATE
5 OF CALIFORNIA, HEREBY CERTIFY:

6 THE FOREGOING PROCEEDINGS WERE TAKEN
7 BEFORE ME AT THE TIME AND PLACE THEREIN SET FORTH,
8 AT WHICH TIME THE DEPONENT WAS PLACED UNDER OATH BY
9 ME;

10 THE TESTIMONY OF THE DEPONENT AND ALL
11 OBJECTIONS MADE AT THE TIME OF THE EXAMINATION WERE
12 RECORDED STENOGRAPHICALLY BY ME AND WERE THEREAFTER
13 TRANSCRIBED;

14 THE FOREGOING TRANSCRIPT IS A TRUE AND
15 CORRECT TRANSCRIPT OF MY SHORTHAND NOTES SO TAKEN;

16 I FURTHER CERTIFY THAT I AM NEITHER
17 COUNSEL FOR NOR RELATED TO ANY PARTY TO SAID ACTION
18 NOR IN ANY WAY INTERESTED IN THE OUTCOME THEREOF.

19 IN WITNESS WHEREOF, I HAVE HEREUNTO
20 SUBSCRIBED MY NAME THIS 17TH DAY OF
21 JULY , 2008.

22
23 *Renee A. Pacheco*
24
25

EXHIBIT 5

**DECLARATION OF
ZOLTAN SZAJER**

DECLARATION OF ZOLTAN SZAJER

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I, ZOLTAN SZAJER, declare as follows

1. I am one of the Plaintiffs in this matter. This Declaration is made in opposition to the Motion for Summary Judgment or Partial Summary Judgment filed in this matter. If called as a witness, I would testify to the following based upon my own personal knowledge.

2. My wife Helene and I opened our business, L.A. Guns in June, 1993. It was located at 9028 Sunset Boulevard, Suite 307, West Hollywood, CA 90069.

3. We sold handguns, rifles, shotguns and firearm related accessories.

4. In 1995, I specially ordered (from T&L Guns in Las Vegas, Nevada) and sold a F.A.L.-type semi-automatic rifle to Charles Hanks. I noted the arrival of this weapon in my Acquisition/Disposition book on April 15, 1995, and the sale in the same book on April 16, 1995, under serial number X01148. (Please see Exhibit A, attached hereto and made a part hereof.)

5. I have never told anyone that I owned or had 16 machine guns or any machine guns or that I hid any machine guns under the floorboards of my residence or any other location.

6. I possessed all necessary permits and licenses to sell firearms, including assault weapons, at my store. I could have obtained a license to sell machine guns and destructive devices from the California Department of Justice but declined to do so because I had no clientele who ever gave me any indication that

1 they would purchase these items.

2 7. In the spring of 2005 I received a firearms trace
3 from the Federal Bureau of Alcohol, Tobacco and Firearms ("BATF")
4 concerning an F.A.L.-type weapon shipped to me from T&L Guns in Las
5 Vegas, Nevada, in April, 1995. I checked my books for such a
6 weapon bearing the serial number given me by the BATF and could not
7 find it.

8 8. The weapon I sold Mr. Hanks had three serial numbers
9 at the time I sold it to him. I told the BATF agent that I
10 believed we were talking about the Hanks gun and gave them the
11 serial number I had recorded it under. I heard nothing further
12 from them.

13 9. On November 17, 2005, a man came into our store
14 wanting to sell firearms he said had belonged to his brother who
15 had died.

16 10. I examined all of his guns and checked my books for
17 pricing information.

18 11. One of the weapons was a "Whitney Wolverine" semi-
19 automatic pistol. I had never seen one of them before that date
20 and was unfamiliar with it. I was not aware that it had a threaded
21 barrel because the threads at the end of the barrel were hidden by
22 a knurled nut.

23 12. One of the weapons was a Springfield M1A rifle with
24 a flash suppressor. I recognized by its' configuration that it was
25 a "California assault weapon" which could not be transferred
26 without evidence of proper registration. When the man told me
27 that he had no such registration I promptly removed the flash
28

1 suppressor thereby making the weapon legally transferrable.

2 13. Another of the weapons was a semiautomatic rifle
3 bearing the makers name and model of: "Harrington & Richardson
4 Model 55." Because I had never seen this type of weapon before and
5 was unfamiliar with it or its' characteristics I ran the name and
6 model number through my computer but my computer could not identify
7 the weapon by that nomenclature. I later learned that this was a
8 "Reising sub-machine gun."

9 14. I offered the man \$1,800.00 for all of the weapons he
10 brought in. Upon further reflection I wasn't sure of the legality
11 of the Model 55 weapon so I declined to buy it. I offered the man
12 \$1,600.00 for all of the weapons except the Model 55. Because I
13 would not buy it and he didn't want it, I suggested that he take it
14 to the West Hollywood Sheriff's Station for disposal. The man
15 threw up his hands and adamantly refused to do so because he might
16 get arrested. When I realized that he was not going to take the
17 weapon from my store I told him that he could leave it with me and
18 I would call the Sheriffs to pick it up.

19 15. It took approximately two minutes for my wife and I
20 to secure all of the weapons in our office. I then used my
21 cordless telephone to call the West Hollywood Sheriff's Station in
22 an attempt to have a Deputy come to our store to take the Model 55
23 away.

24 16. Once I contacted the station, I identified myself by
25 name and as the owner of L.A. Guns. I then asked them to send an
26 officer to the store because "I thought I bought a machine gun from
27 somebody." I misspoke when I said that I had "bought" the gun from
28

1 the man in my store; he left it with me, I did not buy it.

2 17. I was placed on hold by the person on the other end
3 of the line at the Station.

4 18. While on hold I heard the doorbell and I saw a group
5 of men behind the first security door to my store. I saw one of
6 them waving his hand but could not hear anything he was saying
7 because the security doors cut off all sound.

8 19. I believed the men to be law enforcement personnel
9 responding to my call and buzzed them in through both doors.

10 20. Detective Tompkins was the first one in and the only
11 one who did not brandish a weapon. He ordered me to hang up my
12 phone. I told him that I was on hold with the West Hollywood
13 Sheriffs but he again ordered me to hang up the phone. I did so.

14 21. At no time did I tell him, Detective Mersereau or
15 anyone else that I "...was about to call the LAPD or the Sheriffs."
16 Why would I say I was "about to call" when I was in the midst of a
17 call I had already made?

18 22. My wife and I were disarmed (we were always armed
19 while in the store). I was handcuffed and we were ordered to sit
20 in chairs in the showroom.

21 23. While seated I observed officers entering our store
22 with items and leaving the store with items. I also observed
23 officers searching the drawers, cabinets, open safes and shelves.
24 Up to this time no one had shown me a search warrant.

25 24. On that day, I was well aware of the fact that it was
26 a crime to possess tracer ammunition in the State of California. I
27 have never possessed tracer ammunition, either in or out of my
28

1 store.

2 25. I was personally responsible for all ammunition
3 coming into our store. I personally examined all ammunition and
4 stored it in various locations in our store depending on what I
5 wanted to do with it.

6 26. The man who came into our store on November 17, 2005,
7 did not bring any ammunition with him.

8 27. On November 17, 2005, we had approximately 40
9 "California assault weapons" in the store. All were in safes or
10 vaults in the back of the store and all bore proper California
11 registration forms. None were visible to anyone in the showroom.

12 28. At approximately 7:30 P.M. on November 17, 2005, my
13 wife and I were informed that we were going to be taken downtown to
14 be booked.

15 29. The criminal case against my wife and I has been
16 completed. We both pled no contest to one of the Counts and were
17 given a probationary sentence. We never appealed our convictions
18 in state court and sought no relief in the federal courts. I have
19 no desire in these proceedings to challenge our convictions. The
20 last place I want to be is back in criminal court facing potential
21 time in custody.

22 I declare under penalty of perjury under the laws of the
23 United States that the foregoing is true and correct. Executed
24 September 6, 2008, at Beverly Hills, California.

25

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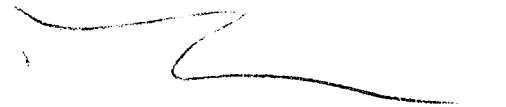

ZOLTAN SZAJER

EXHIBIT 6

DEPOSITION OF
DET. MERSEREAU

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

HELENE SZAJER, ZOLTAN SZAJER,)

Plaintiffs,)

vs.)

Case No.)

CV07-07433 SVW (PLAx))

CITY OF LOS ANGELES; LOS)
ANGELES POLICE DEPARTMENT;)
LOS ANGELES CHIEF OF POLICE)
WILLIAM BRATTON; LOS ANGELES)
POLICE LIEUTENANT STEVEN A.)
NIELSEN; LOS ANGELES)
POLICE DETECTIVE MICHAEL)
MERSEREAU; LOS ANGELES POLICE)
DETECTIVE R. TOMPKINS; LOS)
ANGELES POLICE DETECTIVE)
YADON; LOS ANGELES POLICE)
DETECTIVE CONRADO; and)
DOES 2 through 100, inclusive.)

Defendants.)

DEPOSITION OF DETECTIVE MICHAEL MERSEREAU

WEDNESDAY, AUGUST 13, 2008

3:08 P.M.

REPORTED BY: KAREN S. OSTROM,
CSR NO. 10341, RPR

Karen S. Ostrom

CERTIFIED COURT REPORTERS
2535 PROSPECT AVE. • MONTROSE, CA 91020
(818) 249-0039

1 assault weapon which requires it to be registered as
2 such. The features that make it such, it's a center fire
3 semiautomatic. Let me correct that. It doesn't matter
4 whether it's center fire or not. It's a semiautomatic
5 handgun capable of accepting a detachable magazine and
6 has a threaded barrel capable of accepting different
7 attachments, silencer, flash suppressor, forward hand
8 grip.

9 Q. When you say a threaded barrel, does that mean a
10 barrel with threads like a screw?

11 A. I analogize it closer to threads on a pipe.

12 Q. That's a better analogy.

13 Those are at the muzzle, the end of the barrel?

14 A. That's correct.

15 Q. Were the threads on that weapon, the threads at
16 the end of the barrel of that weapon visible when
17 informant No. 2 brought them -- withdraw that -- when the
18 weapon was brought into the store?

19 A. No.

20 Q. What was hiding them?

21 A. A nut that's threaded onto the end of the
22 barrel.

23 Q. Other than the threaded barrel, was there
24 anything about this Whitney Wolverine pistol that would
25 direct the attention of a gun dealer that it may be a

semiautomatic center fired rifle capable of accepting a detachable magazine and having a flash suppressor attached to the muzzle.

Q. If the weapon does not have the flash suppressor on it, is it illegal?

A. It's no longer a California assault weapon.

Q. Okay. Is there any law against removing a flash suppressor from an M1A and thus taking the gun, the firearm off the restricted list?

A. No.

MR. MILLER: Objection. Incomplete. Hypothetical. Calls for legal conclusion.

THE WITNESS: No. There is no law.

BY MR. ADLER:

Q. We'll get to that in a second. Did the informant on November 17, 2005, bring any ammunition to L.A. Guns?

A. Yes.

Q. What type of ammunition?

A. I don't recall the specific ammunition, but it was just a smorgasbord of garden-variety calibers for the purpose of just making the whole process more realistic.

Q. Was that ammunition loose or was it in some type of bag or box or case?

A. To the best of my recollection there were boxes

1 Q. Didn't Mr. Szajer actually go down to the truck
2 with the other two?

3 A. Eventually. Not immediately.

4 Q. How long after you saw Mrs. Szajer and the
5 informant emerge from the building was it that you saw
6 Mr. Szajer emerge from the building?

7 A. I did not see Mr. Szajer in real time emerge
8 from the building. I'm reconstructing this from the
9 video.

10 Q. When is the last time you saw the video?

11 A. I reviewed the video yesterday to refresh my
12 memory.

13 Q. Where were you when the informant initially went
14 upstairs?

15 A. I was parked across the street in a vehicle with
16 Detective Tompkins with a view of the front door to the
17 building.

18 Q. You were listening contemporaneously over the
19 microphone in the camera?

20 A. Actually, the camera does record sound and
21 video. It does not broadcast. I was listening from an
22 additional transmitter, a body wire that the CI was
23 wearing.

24 Q. So there are two recordings of what was going
25 on?

1 A. Yes.

2 Q. How long was the informant in the store from the
3 time he entered until the time he left with Mrs. Szajer?

4 A. I'd estimate between 5 and 10 minutes.

5 Q. During those 5 to 10 minutes, were any of the
6 guns taken out of the rugs?

7 A. That I don't recall.

8 Q. You saw the video yesterday?

9 A. Yes.

10 Q. Was the informant directing the camera towards
11 Mr. Szajer once Mr. Szajer participated in the
12 activities?

13 A. The camera pretty much directs itself. You can
14 direct it in a general direction, but it -- depending how
15 the shirt moves, it tilts this way and that way, and you
16 only actually view the Szajers briefly from time to time.
17 A lot of time the camera is facing into the glass gun
18 case or at the floor or the wall behind.

19 Q. Based on the conversation that you heard during
20 those 5 to 10 minutes, did Mr. Szajer say that he was
21 looking at the weapons, I'm going to open the box now,
22 hand me this one, would you hand me that that one, any
23 conversation such as that?

24 A. I really don't recall. It would have been
25 minimal if there was.

1 Q. Do you recall which direction you turned?

2 A. My memory says to the right.

3 Q. Once you made that turn to the right, did you
4 have to make another turn to get to the door?

5 A. I think, yes, another right.

6 Q. When you made that other right, what were you
7 confronting?

8 A. Sally port.

9 Q. There is one door and then another door some
10 distance further on?

11 A. Yes. Security-type doors.

12 Q. The first door you got to, could you please
13 describe it?

14 A. It was a metal security type door similar to
15 what you see on the front of houses with a metal mesh and
16 bars.

17 Q. Was there glass on that door?

18 A. I don't believe so.

19 Q. Was that door locked?

20 A. Yes.

21 Q. What, if anything, did -- withdraw that.

22 Did someone, whoever it was at the head of the 5
23 to 7 officers, do anything to get the attention of
24 someone in the store?

25 A. Yes.

1 Q. What was that?

2 A. I believe I announced, Los Angeles Police
3 Department, open the door.

4 Q. When you said that, you were two security doors
5 and 15 feet away from actually entering the Szajers'
6 business; is that correct?

7 A. I don't know that it was 15 feet.

8 Q. 10, 12, 15, 18 feet, whatever it is?

9 A. There was a short hallway between the two doors,
10 yes.

11 Q. Were you holding a badge at the time in your
12 hand?

13 A. I don't recall. If I had it, it would have been
14 around my neck most likely.

15 Q. Were you holding a gun in your hand?

16 A. I don't believe I was.

17 Q. Looking through, as you were standing in front
18 of the first security door, were you able to see through
19 that door, see through the second door and see into the
20 business?

21 A. Yes.

22 Q. What did you see when you arrived at the
23 front -- at the first door?

24 A. I could see Mr. Szajer standing inside the store
25 holding a phone in his hand, a cordless phone.

1 Q. How far would you say he was from you when you
2 were standing at the first security door and saw him with
3 a cell phone?

4 A. I would estimate 20 feet.

5 Q. Was your approach to the first security door
6 being taped?

7 A. No. Not to my knowledge.

8 Q. Did you gesture to Mr. Szajer in any manner in
9 addition to your announcement of LAPD?

10 A. I don't believe so.

11 Q. What did Mr. Szajer do?

12 A. Mr. Szajer made eye contact and stated that he
13 was about to call us or the sheriff, I can't remember
14 which, or the police, something to that effect.

15 Q. Did you yell to him?

16 A. Yes.

17 Q. Did he yell back at you?

18 A. He raised his voice, yes.

19 Q. What did you do when he said, I'm going to call
20 some law enforcement agency?

21 A. He said he -- he actually said he was about to,
22 but my response to that was to hang up the phone and open
23 the door.

24 Q. Did he do so?

25 A. Yes.

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4

5 I, KAREN S. OSTROM, CSR No. 10341, RPR, do hereby
6 certify:

7 That the foregoing deposition testimony of
8 DETECTIVE MICHAEL MERSEREAU was taken before me at the
9 time and place herein set forth, at which time the
10 witness was placed under oath and was sworn by me to tell
11 the truth, the whole truth and nothing but the truth;
12

13 That the testimony of the witness and all
14 objections made by counsel at the time of the examination
15 were recorded stenographically by me and were thereafter
16 transcribed under my direction and supervision, and that
17 the foregoing pages contain a full, true and accurate
18 record of all proceedings and testimony to the best of my
19 skill and ability.
20

21 I further certify that I am neither counsel for
22 any party to said action, nor am I related to any party
23 to said action, nor am I in any way financially
24 interested in the outcome thereof.
25

1 IN WITNESS WHEREOF, I have subscribed my name
2 this 21st day of August 2008.
3
4

5 Karen S. Ostrom
6

KAREN S. OSTROM, C.S.R. NO. 10341, RPR

EXHIBIT 7

DEPOSITION OF
DET. TOMPKINS

1:47 1 were going to do.

1:47 2 Q. At some point did Detective Mersereau leave?

1:47 3 A. Yes, he did.

1:47 4 Q. How long after entry was effected did he leave?

1:47 5 A. I don't remember. I don't recall.

1:47 6 Q. Did you get your call on your cell phone before
1:47 7 he left or after he left?

1:47 8 A. That I don't recall.

11:47 9 Q. When you got your call on the cell phone, did
11:47 10 the person calling identify himself?

11:47 11 A. Yes. I believe so.

11:47 12 Q. Do you recall the name of the person who called
11:47 13 you?

11:47 14 A. No, I don't.

11:47 15 Q. Do you recall how the person identified himself?

11:47 16 A. I don't know if he said sergeant or deputy, no,
11:48 17 I can't recall.

11:48 18 Q. But did he identify himself as a member of the
11:48 19 sheriff's department calling from West Hollywood Station?

11:48 20 A. Somehow, yes, I got that impression.

11:48 21 Q. Once the person identified himself, what was the
11:48 22 first thing he said?

11:48 23 A. As I recall on that day -- I don't remember if
11:48 24 he asked if everything was okay. I took -- I recall
11:48 25 taking control of the conversation saying that we had

1:48 1 done an undercover operation there, everything was safe,
1:48 2 suspects were in custody, we were all set, we didn't need
1:48 3 any assistance, and I believe that was the end of the --
1:48 4 I terminated the call at that point.

1:48 5 Q. Did that person on the phone tell you that
1:48 6 Mr. Szajer had contacted the West Hollywood Sheriff's
1:48 7 concerning possibly illegal weapon?

1:48 8 A. At that time I don't recall that. I just -- I
11:49 9 just heard the tape.

11:49 10 MR. MILLER: Just answer the question.

11:49 11 THE WITNESS: Ask the question again.

11:49 12 MR. ADLER: Would you please -- would the
11:49 13 reporter please read my last question.

14 (Record read as follows:

15 "QUESTION: Did that person on the
16 phone tell you that Mr. Szajer had
17 contacted the West Hollywood Sheriff's
18 concerning possibly an illegal
11:49 19 weapon?")

11:49 20 THE WITNESS: I believe he said someone had
11:49 21 called regarding a machine gun at the store as I recall
11:49 22 today.

11:49 23 BY MR. ADLER:

11:49 24 Q. What did you say when you heard that person make
11:49 25 that statement?

1:49 1 MR. MILLER: How he remembers it today or
1:49 2 remembers it on the day of the incident?

3 BY MR. ADLER:

1:49 4 Q. Well, is your recollection of that person's
1:49 5 statement to you today the best recollection you can give
1:49 6 concerning what the person said on November 17, 2004?

11:50 7 A. Yes.

11:50 8 Q. Did you say anything in response to that?

11:50 9 MR. MILLER: As you remember it in real time or
11:50 10 as you remember it today.

11:50 11 THE WITNESS: I don't think I said anything else
11:50 12 at that point.

11:50 13 BY MR. ADLER:

11:50 14 Q. When the person said that, did that cause you to
11:50 15 change your opinion as to Mr. Szajer's law-abiding
11:50 16 proclivities?

11:50 17 A. No, it did not.

11:50 18 Q. Did you think -- did you still think that he
11:50 19 knowingly trafficked in illegal weapons?

11:50 20 A. Yes.

11:50 21 Q. Would a person who knowingly traffics in illegal
11:50 22 weapons call a law enforcement agency and inform them
11:51 23 that he has a machine gun?

11:51 24 MR. MILLER: Objection. Incomplete
11:51 25 hypothetical. Lacks foundation. Calls for speculation.

1 (At 1:21 p.m., the deposition of
2 RICHARD TOMPKINS was reconvened.)

3

2:07 4 EXAMINATION (CONTINUED)

2:07 5

01:21 6 MR. MILLER: On the record.

01:21 7 Before you fire off your next question,
01:21 8 Detective Tompkins would like to clarify something that I
01:21 9 understood him to say before lunch in regards to his
01:21 10 knowledge of the telephone call and what the deputy
01:21 11 sheriff told him.

01:21 12 BY MR. ADLER:

01:21 13 Q. Okay.

01:21 14 A. I had no indication to have it understood here
01:21 15 that on November 15 or November 17, 2005 and up to this
01:21 16 point here that I have a recollection that Szajer --
01:21 17 Mr. Szajer called the sheriff's department, and I have no
01:21 18 recollection of receiving information from a deputy that
01:22 19 Mr. Szajer had called the deputy or the sheriff's
01:22 20 station.

01:22 21 Q. Do you now believe that he did -- do you now
01:22 22 believe that he did call the sheriff's?

01:22 23 A. I have listened to a tape so I have no reason to
01:22 24 doubt that tape as being a conversation between Szajer
01:22 25 and the deputy.

1:22 1 Q. When did you first hear that tape?

1:22 2 A. I heard the entire tape Friday, this past
1:22 3 Friday.

1:22 4 Q. Where were you when you heard that tape?

1:22 5 A. At one of the department facilities or the city
1:22 6 facility.

1:22 7 Q. Did Mr. Miller play the tape for you?

1:22 8 A. Yes, he did.

1:22 9 Q. We'll get to more of the tape later.

1:23 10 MR. MILLER: I just wanted it to be clear
1:23 11 because from my notes and everything, Detective Tompkins,
1:23 12 even hearing the tape, has not been refreshed as to what
1:23 13 the deputy said. We had a disagreement as to how the
1:23 14 record may have come out. If there was an inference that
1:23 15 on November 17, 2005, he was aware that the deputy
1:23 16 informed him that Mr. Szajer had called, he still has no
1:23 17 recollection of that even hearing the tape. He will not
1:23 18 deny the conversation that he had with the deputy
1:23 19 sheriff. It has just never hit him that that deputy
1:23 20 sheriff was indicating Mr. Szajer had called or that was
1:23 21 part of the deputy's conversation.

1:23 22 BY MR. ADLER:

1:23 23 Q. When you heard the tape last Friday, did you
1:23 24 hear the conversation between yourself and Deputy
1:24 25 McDowell?

1:24 1 A. I don't recall if that was the name, but yes, I
1:24 2 heard a conversation between myself and a deputy.

1:24 3 Q. Did you hear on the tape that the deputy said
1:24 4 that the owner of L.A. Guns had called concerning a
1:24 5 possible -- I'm not using his words, but the owner of
1:24 6 L.A. Guns had called concerning a possible illegal
1:24 7 weapon?

1:24 8 MR. MILLER: So this is on the tape, do you
1:24 9 recall?

1:24 10 THE WITNESS: Yes, I do recall hearing that.

1:24 11 BY MR. ADLER:

1:24 12 Q. But you don't recall the deputy saying that to
1:24 13 you on November 17?

1:24 14 A. No, I don't.

1:24 15 MR. ADLER: Okay. What were my last two
1:24 16 questions --

1:24 17 MR. MILLER: Thank you, Counsel.

1:24 18 MR. ADLER: -- before we broke for lunch if you
1:24 19 could find that, please.

20 (Record read as follows:

21 "QUESTION: Did Mersereau call you or
22 any other officers from the time he
23 left until the time he returned with
24 the search warrant at approximately
25 11:00 p.m.?

1:30 1 document prepared reflecting each item that was
1:30 2 recovered, where it was recovered from, the time it was
1:30 3 recovered, and who recovered it?

1:30 4 A. Not that I know of.

1:30 5 Q. I asked you if any photographs were taken during
1:30 6 the search, were they?

01:30 7 A. There were before and after photographs taken.
01:30 8 I'm not sure if we were taking photographs during the
01:30 9 recovery of evidence.

01:30 10 Q. Were any videos taken during the search?

01:31 11 A. I don't believe so.

01:31 12 Q. Any videos by police officers?

01:31 13 A. I don't believe so.

01:31 14 Q. Was any tracer ammunition found inside L.A.
01:31 15 Guns?

01:31 16 A. Yes.

01:31 17 Q. Who found it?

01:31 18 A. I did.

01:31 19 Q. Where was it when you found it?

01:31 20 A. It was in one of the back offices I believe in a
01:31 21 shelf or in a box.

01:31 22 Q. Describe how the tracer ammunition -- describe
01:31 23 what you saw. Let me put it that way. Describe what you
01:31 24 saw of the tracer ammunition.

01:31 25 A. I saw one box. It says tracer ammunition on the

1:31 1 outside of the box. I then observed two more boxes in
1:31 2 the same area, same general area.

1:31 3 Q. Did someone later combine the three boxes into
01:32 4 one stack three boxes high and put tape around it?

01:32 5 A. Yes.

01:32 6 Q. Who was that?

01:32 7 A. That I'm not sure.

01:32 8 Q. Was it you?

01:32 9 A. No. I take that back. It could have been me. I
01:32 10 don't know who did it.

01:32 11 Q. Were any of those boxes of tracer ammunition
01:32 12 preserved for the taking of fingerprints?

01:32 13 A. I don't know if Detective Mersereau printed
01:32 14 those or not.

01:32 15 Q. If it wasn't you, did you see someone putting
01:32 16 tape around the three boxes to make one package?

01:32 17 A. I don't recall who would have done that.

01:32 18 Q. Was anyone wearing rubber gloves or any other
01:32 19 type of hand protection during the search?

01:32 20 A. At various points during the search I believe
01:32 21 people were wearing rubber gloves.

01:32 22 Q. When you first saw the tracer boxes, they were,
01:33 23 you said, in a box or in a cabinet?

01:33 24 A. No. It was on a shelf.

01:33 25 Q. On a shelf or in a box?

1:33 1 A. Yes.

01:33 2 Q. Did you give instructions at that time for the
01:33 3 boxes of tracer ammunition to be removed from their
01:33 4 locations?

01:33 5 A. I took them from that department and brought
01:33 6 them up front.

01:33 7 Q. You took them?

01:33 8 A. Yes.

01:33 9 Q. Were you wearing gloves at the time?

01:33 10 A. That I don't know.

01:33 11 Q. Did you think to take steps to preserve the
01:33 12 integrity of the boxes for the later taking of
01:33 13 fingerprints?

01:33 14 A. No.

01:33 15 Q. Did you open any of the boxes before you had
01:33 16 them taped up -- withdraw that.

01:33 17 Did you order that the boxes be taped together?

01:33 18 A. No.

01:33 19 Q. Before they were taped together, did you open
01:33 20 any of the boxes to see what they contained?

01:33 21 A. I opened all three.

01:33 22 Q. What did you see?

01:34 23 A. Ammunition with a red tip on top.

01:34 24 Q. According to your experience and knowledge, do
01:34 25 any other types of ammunition have colored tips?

1:34 1 A. Yes.

1:34 2 Q. What types of ammunition?

1:34 3 A. I'm not sure what types. I have seen numerous
1:34 4 ammunition with numerous colors on top.

1:34 5 Q. Let me ask the question this way: Have you ever
1:34 6 seen any nontracer ammunition containing colored tips?

1:34 7 A. I have seen numerous rounds of ammunition with
1:34 8 various colored tips.

1:34 9 Q. Were all of those individual rounds tracer
1:34 10 rounds?

1:34 11 A. I believe so, yes. I'm sorry. The ones I
1:34 12 recovered were tracer rounds.

1:34 13 Q. I understand that. We'll get to that shortly.
1:35 14 What I'm asking is have you ever seen nontracer
1:35 15 rounds with colored tips?

1:35 16 A. Yes.

1:35 17 Q. What type of rounds were they, not the caliber
1:35 18 but what type of -- I'm sorry. Did the coloration
1:35 19 signify anything unique about that particular round?

1:35 20 A. It's a little outside of my expertise on the
1:35 21 different colors. I am aware of the red tip ammunition.
1:35 22 As far as the other colors, I have seen paperwork on it,
1:35 23 but for the most part it doesn't prohibit those weapons
1:35 24 from being possessed in the State of California on the
1:35 25 rifle rounds.

1 STATE OF CALIFORNIA)

2)

3 COUNTY OF LOS ANGELES)

4

5 I, KAREN S. OSTROM, CSR No. 10341, RPR, do hereby
6 certify:

7 That the foregoing deposition testimony of
8 DETECTIVE RICHARD TOMPKINS was taken before me at the
9 time and place herein set forth, at which time the
10 witness was placed under oath and was sworn by me to tell
11 the truth, the whole truth and nothing but the truth;

12

13 That the testimony of the witness and all
14 objections made by counsel at the time of the examination
15 were recorded stenographically by me and were thereafter
16 transcribed under my direction and supervision, and that
17 the foregoing pages contain a full, true and accurate
18 record of all proceedings and testimony to the best of my
19 skill and ability.

20

21 I further certify that I am neither counsel for
22 any party to said action, nor am I related to any party
23 to said action, nor am I in any way financially
24 interested in the outcome thereof.

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IN WITNESS WHEREOF, I have subscribed my name
this 29th day of August 2008.

Karen S Ostrom

KAREN S. OSTROM, C.S.R. NO. 10341, RPR

EXHIBIT 8

DECLARATION OF DET. TOMPKINS

DECLARATION OF RICHARD TOMPKINS

I, RICHARD TOMPKINS, declare as follows:

1. I have been employed as a police officer by the Los Angeles Police Department (LAPD) since June, 1990. I am a Defendant in the action entitled, Helene Szajer, et al. v. City of Los Angeles, et al. (CV-07-07433 SVW (PLAx)). This Declaration is made in support of the Motion for Summary Judgment or Partial Summary Judgment, which is being filed on my behalf in the above-referenced action. If called as a witness, I would testify to the following based on my personal knowledge.

2. Since December 2006, I have held the rank of Detective III. I am currently assigned to the LAPD's Gang and Operation Support Division, responsible for firearm investigations.

3. On or about November 17, 2005, I was assigned to the Detective Support Division Gun Unit. I assisted Detective Michael Mersereau's undercover operation and subsequent arrest of Zoltan and Helene Szajer as well as the search of their gun business L.A. Guns.

4. Prior to the undercover operation, Detective Mersereau briefed me about his investigation of Zoltan and Helene Szajer. Detective Mersereau explained his intent was to seek a search warrant if evidence of illegality was uncovered during the course of the undercover operation. The briefing included a description of the scope of the search warrant.

5. During the search of L.A. Guns, I was responsible for seizing two knives. One knife was a Milano switchblade. A Milano switchblade is a stiletto-type knife with a blade approximately four inches in length. The other knife was a butterfly knife. A butterfly knife is a knife with two handles, which opens with a flip of the wrist.

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1 6. In addition, I seized two small guns which were placed inside circular belt
2 buckles. Each gun sat in a belt buckle and was not readily recognizable as a firearm
3 when it was in the belt buckle. It took some examination of the belt buckle to realize the
4 pistol was being concealed within the metal buckle.

5 I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct. Executed August 13, 2008.

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9 _____
10 RICHARD TOMPKINS
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