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TORRANCE POLICE DEPARTMENT

13  
14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16

17 ROBERT THOMSON,  
18 Plaintiff,  
19 vs.

20 TORRANCE POLICE DEPARTMENT  
and THE LOS ANGELES COUNTY  
21 SHERIFFS DEPARTMENT,  
22 Defendants.

Case No. CV11-06154 SJO (JCx)  
Date Action Filed: July 26, 2011

Assigned to:  
U.S. District Judge S. James Otero

**DEFENDANT TORRANCE POLICE  
DEPARTMENT'S EVIDENTIARY  
OBJECTIONS TO EVIDENCE CITED  
IN PLAINTIFF'S REPLY BRIEF RE  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

Motion Hearing Date: Feb. 27, 2012  
Time: 10:00 a.m.  
Courtroom: 1- 2nd Floor  
Location: Spring Street

1 Defendant TORRANCE POLICE DEPARTMENT (“TPD”) objects to  
 2 Plaintiff’s Reply Brief in his Motion for Summary Judgment as follows:

3 Plaintiff’s Reply Brief sets forth alleged quotes from certain depositions of  
 4 L.A. County Sheriff Department (“LASD”) employees from some unidentified case  
 5 to which the TPD was not a party. Plaintiff has not requested that judicial notice be  
 6 taken of the deposition transcripts from which the statements were purportedly  
 7 taken, and Plaintiff has not provided the Court or the TPD with certified copies of  
 8 deposition transcripts to verify that his quotations are accurate. Moreover, LASD  
 9 employees are not TPD employees, and thus have no percipient knowledge of the  
 10 TPD’s CCW policy and/or how it is enforced.

11  
 12 **I. EVIDENTIARY OBJECTIONS**

Material Objected to:	Grounds for Objection:	Ruling:
15 1. Pg. 3, lines 15-23: 16 “Q. Can you provide any support 17 for how your policy of drastically 18 restricting the issuance of CCW 19 permits prevents violence? 20 A. I -- I think just the -- putting 21 more guns on the street, I think 22 could clearly create much more 23 violence in the County of Los 24 Angeles, and I think we need to 25 restrict the number of weapons 26 that are available on the streets 27 legally. 28	<b><u>FRE 602/702. Lack of Foundation.</u></b> Plaintiff has not provided a certified deposition transcript from which the alleged statements were taken. Further, an employee of LASD does not have the requisite foundation to testify on policy interests related to TPD's CCW policy.  <b><u>FRE 1002. Best Evidence Rule.</u></b> The best evidence of the purported	Sustained: _____ _____ Overruled: _____ _____

Material Objected to:	Grounds for Objection:	Ruling:
<p>1 Q. Last year, how many weapons</p> <p>2 were stolen from permit holders</p> <p>3 outside of their home?....</p> <p>4</p> <p>5 A. I don't know. Deposition of</p> <p>6 Larry Waldie Page 25 Line 13-25</p> <p>7 Q How does your restrictive</p> <p>8 policy regarding CCW's protect</p> <p>9 against gun violence in the</p> <p>10 community at large? ....</p> <p>11 A. Basically, restricting the</p> <p>12 number of weapons that possibly</p> <p>13 could get on the street and lead to</p> <p>14 violent and inappropriate manner.</p> <p>15 Deposition of Undersheriff</p> <p>16 Waldie at page 32, line 22 to page</p> <p>17 33 line 4.”</p>	<p>contents of any testimony from a deposition is a transcript of the deposition itself, which Plaintiff does not provide.</p> <p><b><u>FRE 801/802/804. Hearsay.</u></b></p> <p>Plaintiff has made no showing that Undersheriff Waldie was unavailable for testimony or that he attempted to depose him in this action. Further, the testimony cannot be offered against the TPD, which was not a party to whatever litigation the deposition testimony comes from.</p> <p><b><u>FRE 402. Relevance.</u></b> Testimony from a LASD employee on his understanding of policy implications and facts has no relevance to TPD’s CCW policy.</p>	
<p>24 2. Pg. 4, lines 9-17:</p> <p>25 “Q Do gang members ever apply</p> <p>26 for CCW permits from you?</p> <p>27 A They may. I do not know.</p>	<p><b><u>FRE 602/702. Lack of foundation.</u></b></p> <p>Plaintiff has not provided the actual deposition transcript.</p>	<p>Sustained:</p> <p>_____</p> <p>_____</p> <p>Overruled:</p>