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Superior Court of California
County of Los Angeles

NOV 12 2015

6 Attorneys for Plaintiffs/Petitioners

Sherri R. Carter, Executive Officer/Clerk
By: Jennifer De Luna, Deputy

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF LOS ANGELES

10 STANLEY MOSK COURTHOUSE

11 SHASTA COUNTY SHERIFF THOMAS BOSENKO,
12 SAN BERNARDINO COUNTY SHERIFF JOHN
McMAHON, KERN COUNTY SHERIFF DONNY
13 YOUNGBLOOD, SAN LUIS OBISPO COUNTY
SHERIFF IAN S. PARKINSON, SACRAMENTO
14 COUNTY SHERIFF SCOTT JONES, EL DORADO
COUNTY SHERIFF JOHN D'AGOSTINI, SISKIYOU
15 COUNTY SHERIFF JON LOPEY, TOULUMNE
COUNTY SHERIFF JAMES MELE, STANISLAUS
16 COUNTY SHERIFF ADAM CHRISTIANSON,
MERCED COUNTY SHERIFF VERN WARNKE,
17 TEHAMA COUNTY SHERIFF DAVID HENCRATT,
HUMBOLDT COUNTY SHERIFF MICHAEL
18 DOWNEY, MENDOCINO COUNTY SHERIFF
THOMAS D. ALLMAN, SUTTER COUNTY SHERIFF
19 J. PAUL PARKER, MODOC COUNTY SHERIFF
MICHAEL POINDEXTER, FRESNO COUNTY
20 SHERIFF MARGARET MIMS, MADERA COUNTY
SHERIFF JAY VARNEY, AMADOR COUNTY
21 SHERIFF MARTIN RYAN, LASSEN COUNTY
SHERIFF DEAN F. GROWDON, COLUSA COUNTY
22 SHERIFF JOE GAROFALO, NEVADA COUNTY
SHERIFF KEITH ROYAL, TULARE COUNTY
23 SHERIFF MIKE BOUDREAUX, YUBA COUNTY
SHERIFF STEVE DURFOR, KINGS COUNTY
24 SHERIFF DAVID ROBINSON, PLUMAS COUNTY
SHERIFF GREGORY HAGWOOD, TRINITY
25 COUNTY SHERIFF BRUCE HANEY, SOLANO
COUNTY SHERIFF THOMAS A. FERRARA, GLENN
26 COUNTY SHERIFF RICHARD L. WARREN JR.,
BUTTE COUNTY SHERIFF KORY L. HONEA,
27 SIERRA COUNTY SHERIFF TIM STANDLEY, CHAD
CHEUNG, PAUL WOLCOTT, JAMES WILEY, PAUL
28 NORDBERG, JULIO BERNAL, KENNETH

Case No.: BS158682

**DECLARATION OF PLAINTIFF EL DORADO
COUNTY SHERIFF JOHN D'AGOSTINI IN
SUPPORT OF EX PARTE APPLICATION TO STAY
ENFORCEMENT OF LAMC SECTION 46.30,
ALTERNATIVELY, FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO SHOW
CAUSE**

Date: November 12, 2015
Time: 8:30 a.m.
Dept: 85
Judge: Honorable James Chalfant

Action Filed: October 23, 2015

1 TAKAHASHI, LAW ENFORCEMENT ALLIANCE OF
2 AMERICA, INC., CALIFORNIA RIFLE AND PISTOL
3 ASSOCIATION, CALIFORNIA RESERVE PEACE
4 OFFICERS ASSOCIATION,

5 Plaintiffs and Petitioners,

6 vs.

7 THE CITY OF LOS ANGELES, MAYOR ERIC
8 GARCETTI, in his official capacity, LOS
9 ANGELES POLICE DEPARTMENT CHIEF CHARLIE
10 BECK, in his official capacity, and DOES 1-10,

11 Defendants and Respondents

12 **DECLARATION OF EL DORADO COUNTY SHERIFF JOHN D'AGOSTINI**

13 I, Sheriff John D'Agostini, declare as follows:

14 1. I am a plaintiff in the above-entitled action. I make this declaration of my own personal
15 knowledge and, if called as a witness, I could and would testify competently to the truth of the
16 matters set forth herein.

17 2. I am a law-abiding adult who is not prohibited from owning firearms under the laws of the
18 United States or the state of California. I have never been found by any law enforcement agency,
19 any court, or any other government agency to be irresponsible, unsafe, or negligent with firearms
20 in any manner.

21 3. I am the duly elected sheriff of El Dorado County.

22 4. I lawfully own and possess ammunition magazines with the capacity to accept more than
23 ten rounds that are prohibited by section 46.30 of the Los Angeles Municipal Code.

24 5. Pursuant to California Penal Code sections 25450, 25900, and 32405, I carry firearms
25 with magazines that have the capacity to accept more than ten rounds that are prohibited by
26 section 46.30, both while I am on duty and while I am off duty.

27 6. Pursuant to California Penal Code sections 25450, 25900, and 32405, deputy sheriffs for
28 El Dorado County also carry firearms with magazines with the capacity to accept more than ten
rounds that are prohibited by section 46.30, both while they are on duty and while they are off
duty.

1 7. I, along with deputy sheriffs for El Dorado County, lawfully carry firearms equipped with
2 magazines capable of holding more than ten rounds that are prohibited by section 46.30 while
3 traveling within California and through the city of Los Angeles while off duty, and do so for
4 lawful purposes, including self-defense and defense of others.

5 8. Pursuant to section 46.30, deputy sheriffs for El Dorado County and I are subject to arrest
6 and criminal prosecution for possessing firearms with magazines having capacities over ten
7 rounds while traveling through the city of Los Angeles while off duty on or after November 19,
8 2015.

9 9. I fear arrest and criminal prosecution if I travel into or through Los Angeles while
10 possessing my lawfully-owned magazines with the capacity to hold more than ten rounds while I
11 am off duty, on or after November 19, 2015.

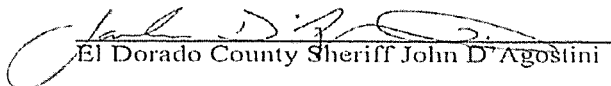
12 10. Pursuant to California Penal Code section 26150, I have issued, and continue to issue,
13 permits allowing qualified residents of El Dorado County to carry firearms with magazines with
14 the capacity to accept more than ten rounds that are lawful to possess and carry under state law,
15 but which are prohibited by section 46.30.

16 11. These residents are authorized to carry, throughout California, the firearms that I have
17 approved for them to carry pursuant to permits issued under section 26150 of the California Penal
18 Code, including those firearms with magazines having capacities over then rounds that are
19 prohibited by section 46.30.

20 12. These residents are subject to arrest and prosecution if they travel through the city of Los
21 Angeles on or after November 19, 2015, while carrying firearms with magazines having
22 capacities over ten rounds that they have been authorized to carry pursuant to statewide licenses I
23 have issued under California Penal Code section 26150.

24 I declare under the penalty of perjury under the laws of the State of California that the
25 forgoing is true and correct.

26 Executed this 5TH day of November, 2015 in PLACERVILLE, California.

27 
28 El Dorado County Sheriff John D'Agostini

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, Laura L. Quesada, am employed in the City of Long Beach, Los Angeles County, California. I am over the age eighteen (18) years and am not a party to the within action. My business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

On November 5, 2015, I served the foregoing document(s) described as

**DECLARATION OF PLAINTIFF EL DORADO COUNTY SHERIFF JOHN D'AGOSTINI IN SUPPORT OF
EX PARTE APPLICATION TO STAY ENFORCEMENT OF LAMC SECTION 46.30, ALTERNATIVELY,
FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE**

on the interested parties in this action by placing [] the original [X] a true and correct copy thereof addressed as follows:

Mr. Benjamin Chapman
Deputy City Attorney
200 North Main Street, 9th Floor,
Los Angeles, California, 90012
Phone: (213) 473-6858
E-mail: benjamin.chapman@lacity.org

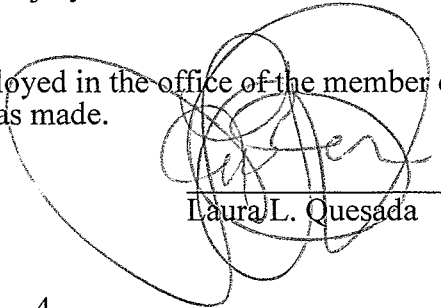
X (BY MAIL) As follows: By placing the sealed envelope for collection and mailing. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date is more than one day after date of deposit for mailing an affidavit. Executed on November 5, 2015, at Long Beach, California.

— (VIA OVERNIGHT MAIL) As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for overnight delivery by UPS/FED-EX. Under the practice it would be deposited with a facility regularly maintained by UPS/FED-EX for receipt on the same day in the ordinary course of business. Such envelope was sealed and placed for collection and delivery by UPS/FED-EX with delivery fees paid or provided for in accordance with ordinary business practices. Executed on November __, 2015, at Long Beach, California.

X (VIA ELECTRONIC MAIL) As follows: I served a true and correct copy by electronic transmission to benjamin.chapman@lacity.org. Said transmission was reported and completed without error. Executed on November 5, 2015, at Long Beach, California.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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


Laura L. Quesada