

SETTLEMENT AGREEMENT

This Settlement Agreement (“AGREEMENT”) is entered into by and between Petitioners, on the one hand, through their attorney of record; and Respondents, on the other hand through their attorney of record. Petitioners and Respondents are together referred to as “the parties.” This AGREEMENT settles any and all of Petitioners’ claims or causes of action, including those for injunctive relief against Respondents as well as claims for monetary relief, damages, attorneys’ fees, expert witness fees and expenses, and all other expenses and costs that have been or will be incurred, in connection with the allegations raised in the previously filed Petition.

RECITALS

This AGREEMENT is based on the following facts:

A. On July 28, 2015, the City enacted Municipal Code section 46.30, which, with certain exceptions, prohibits any person from possessing a magazine with the capacity to accept more than ten rounds within the City (the “Ordinance”). The Ordinance went into effect on September 19, 2015.

B. On or around October 23, 2015, PLAINTIFFS filed a Petition in the Superior Court for the State of California, County of Los Angeles, titled, *Shasta County Sheriff Thomas Bosenko, et al. v. City of Los Angeles, et al.*, Case No. BS158682 (“the Litigation”).

C. The Petition alleged that the Ordinance was preempted by state law.

D. Subsequently, on or about July 1, 2016, the State of California amended Section 32310 of the Penal Code to prohibit any person from possessing a magazine with the capacity to accept more than ten rounds within the State of California.

E. On November 8, 2016, Proposition 63 was approved by California's citizens. It also contains a similar ban on the possession of large-capacity magazines within California.

F. Both laws are set to go into effect on July 1, 2017.

G. In consideration of the mutual covenants and promises herein contained and other good and valuable consideration, receipt of which is hereby acknowledged, it is agreed by and between the PARTIES as follows:

TERMS OF AGREEMENT

1. **Respondents:** The City will amend Municipal Code section 46.30 to add a sunset provision to it so that the Ordinance will no longer be effective as of July 1, 2017.

2. **Petitioners:** Once the City Council adopts an ordinance revising Municipal Code section 46.30, as described in paragraph 1, above, Petitioners will dismiss the Litigation.

3. **Waiver of Attorney's Fees and Costs:** Both sides agree that they will each be responsible for their own attorney's fees and costs incurred with respect to the Litigation. Accordingly, both Parties acknowledge that they will not seek an award of attorney's fees or costs from the other.

4. **EXECUTION IN COUNTERPARTS:** This AGREEMENT may be executed on separate counterparts and will become effective upon signature by all parties upon one or more of such counterparts.


IN WITNESS THEREOF, the following have signed this AGREEMENT on the dates indicated below.

PETITIONERS

By:  _____
On behalf of Petitioners

Date: 1-18-17

RESPONDENTS

By: 
On behalf of Respondents

Date: 1/18/17