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11 *Attorneys for Defendants* LOS ANGELES POLICE DEPARTMENT and CHARLIE  
12 BECK

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14  
15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**  
17

18 JONATHAN BIRDT,  
19  
20 Plaintiff,

21 v.

22 CHARLIE BECK, LEE BACA, THE LOS  
23 ANGELES POLICE DEPARTMENT and  
24 THE LOS ANGELES COUNTY SHERIFFS  
25 DEPARTMENT, DOES 1 to 50, *inclusive*,  
26 Defendants.

27 CASE NO. CV10-8377 RGK (JEM)

28 Assigned to: Honorable R. Gary Klausner  
Courtroom: 850 (Roybal)

Assigned to: Magistrate John E. McDermott  
Courtroom: 833-C

**ANSWER OF DEFENDANT,  
CHARLIE BECK TO  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT AND DEMAND FOR  
JURY TRIAL**

29  
30 **COME NOW**, Defendant, **CHARLIE BECK**, herein to answer the Plaintiff's First  
31 Amended Complaint for Damages for itself and for no other parties.

32 1. Answering paragraph 1, of Plaintiff's First Amended Complaint, defendant  
33 lacks sufficient information and belief upon which to answer the allegations contained  
34 therein, and on that basis denies the allegations.

35 2. Answering paragraph 2, of Plaintiff's First Amended Complaint, defendant  
36 lacks sufficient information and belief upon which to answer the allegations contained  
37

1 therein, and on that basis denies the allegations.

2 3. Answering paragraph 3, of Plaintiff's First Amended Complaint, defendant  
3 lacks sufficient information and belief upon which to answer the allegations contained  
4 therein, and on that basis denies the allegations.

5 4. Answering paragraph 4, of Plaintiff's First Amended Complaint, defendant  
6 lacks sufficient information and belief upon which to answer the allegations contained  
7 therein, and on that basis denies the allegations.

8 5. Answering paragraph 5, of Plaintiff's First Amended Complaint, defendant  
9 lacks sufficient information and belief upon which to answer the allegations contained  
10 therein, and on that basis denies the allegations.

11 6. Answering paragraph 6, of Plaintiff's First Amended Complaint, defendant  
12 lacks sufficient information and belief upon which to answer the allegations contained  
13 therein, and on that basis denies the allegations.

14 7. Answering paragraph 7, of Plaintiff's First Amended Complaint, defendant  
15 lacks sufficient information and belief upon which to answer the allegations contained  
16 therein, and on that basis denies the allegations.

17 8. Answering paragraph 8, of Plaintiff's First Amended Complaint, defendant  
18 lacks sufficient information and belief upon which to answer the allegations contained  
19 therein, and on that basis denies the allegations.

20 9. Answering paragraph 9, of Plaintiff's First Amended Complaint, defendant  
21 lacks sufficient information and belief upon which to answer the allegations contained  
22 therein, and on that basis denies the allegations.

23 10. Defendant admits that LAPD is a subdivision of the City of Los Angeles,  
24 which is a municipal entity organized under the laws of the State of California.

25 11. Answering paragraph 11, of Plaintiff's First Amended Complaint, defendant  
26 lacks sufficient information and belief upon which to answer the allegations contained  
27

1 therein, and on that basis denies the allegations.

2 12. Answering paragraph 12, of Plaintiff's First Amended Complaint, defendant  
3 lacks sufficient information and belief upon which to answer the allegations contained  
4 therein, and on that basis denies the allegations.

5 13. Answering paragraph 13, defendant admits the allegations contained therein.

6 14. Answering paragraph 14, defendant admits the allegations contained therein.

7 15. Answering paragraph 15, defendant denies the allegations contained therein.

8 16. Answering paragraph 16, defendant denies the allegations contained therein.

9 17. Answering paragraph 17, of Plaintiff's First Amended Complaint, defendant  
10 lacks sufficient information and belief upon which to answer the allegations contained  
11 therein, and on that basis denies the allegations.

12 18. Answering paragraph 18, defendant denies the allegations contained therein.

13 19. Answering paragraph 19, of Plaintiff's First Amended Complaint, no factual  
14 allegations are made therein, and on that basis the paragraph goes unanswered.

15 20. Answering paragraph 20, of Plaintiff's First Amended Complaint, defendant  
16 lacks sufficient information and belief upon which to answer the allegations contained  
17 therein, and on that basis denies the allegations.

18 21. Answering paragraph 21, defendant denies the allegations contained therein.

19 22. Deny in as much as allegation assumes or insinuates that Heller guarantees  
20 right to possess and carry weapons at all times and places with no restriction.

21 23. Answering paragraph 23, of Plaintiff's First Amended Complaint, defendant  
22 admits the allegations contained therein, except for the following allegations which are  
23 denied: Admit, except for any insinuation or latent allegation that right to carry a concealed  
24 weapon in public is a fundamental right, which the City denies.

25 24. Answering paragraph 24, defendant denies the allegations contained therein.

26 25. Answering paragraph 25, defendant admits the allegations contained therein.

1           26. Answering paragraph 26, of Plaintiff’s First Amended Complaint, defendant  
2 lacks sufficient information and belief upon which to answer the allegations contained  
3 therein, and on that basis denies the allegations.

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5                                   **AFFIRMATIVE DEFENSES**

6           As separate and distinct affirmative defenses, this Defendant alleges each of  
7 the following:

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9                                   **FIRST AFFIRMATIVE DEFENSE**

10           The action is barred for lack of standing to sue “failure to state a claim upon  
11 which relief can be granted.”

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13                                   **SECOND AFFIRMATIVE DEFENSE**

14           The action is barred by the doctrine of res judicata.

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16                                   **THIRD AFFIRMATIVE DEFENSE**

17           The action is barred for lack of standing to sue.

18  
19                                   **DEMAND FOR JURY TRIAL**

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21           Defendant hereby demands and request a trial by jury in this matter.

22           WHEREFORE, Defendant prays for judgment as follows:

- 23           1. That Plaintiffs take nothing by this action;  
24           2. That the action be dismissed;  
25           3. That Defendants be awarded costs of suit;

26    ///

1           4. That Defendants be awarded other and further relief as the Court may deem  
2 just and proper, including an award of attorney's fees pursuant to 42 U.S.C. § 1988.

3  
4 DATED: December 21, 2010   **CARMEN A. TRUTANICH**, City Attorney  
5                                   **GARY G. GEUSS**, Chief Assistant City Attorney  
6                                   **CORY M. BRENT**E, Supervising Asst. City Attorney

7                                   By *Elizabeth Mitchell*  
8   **ELIZABETH MITCHELL**  
9   Deputy City Attorney

10                                   Attorneys for Defendants **LOS ANGELES POLICE**  
11                                   **DEPARTMENT** and **CHARLIE BECK**

**PROOF OF SERVICE**

I, LINDA COVARRUBIAZ, declare as follows:

At the time of service I was over 18 years of age and not a party to this action. My business address is 200 N. Main Street, 600 City Hall East, Los Angeles, CA 90012, which is the County, City and State where this mailing occurred.

On December 21, 2010 I served the document(s) described as:

**ANSWER OF DEFENDANT CHARLIE BECK TO PLAINTIFF'S  
FIRST AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**

on all interested parties in this action:

**Plaintiff in Pro Per**

**Jonathan W. Birdt, Esq.  
18252 Bermuda Street  
Porter Ranch, CA 91326  
(818) 400-4485 & (818) 428-1384 Fax  
Jon@jonbirdt.com**

I served a true copy of the document(s) above by:

Personally delivering it to the person(s) indicated below in the manner provided in FRCivP 5(b).

Depositing it in the United States Mail in a sealed envelope with the postage thereon fully prepaid to the address(es) above.

Executed on December 21, 2010, at Los Angeles, California.

I hereby certify that I am a member of the Bar of the United States District Court, Central District of California.

I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

I hereby certify under the penalty of perjury that the foregoing is true and correct.

  
**LINDA COVARRUBIAZ**