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7 Attorneys for Plaintiffs / Petitioners

8 **IN THE UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **SOUTHERN DIVISION**

11 DOROTHY McKAY, DIANA
12 KILGORE, PHILLIP WILLMS,
13 FRED KOGEN, DAVID WEISS, and
THE CRPA FOUNDATION,

14 Plaintiffs,

15 v.

16 SHERIFF SANDRA HUTCHENS,
17 individually and in her official
18 capacity as Sheriff of Orange County,
19 California, ORANGE COUNTY
SHERIFF-CORONER
DEPARTMENT, COUNTY OF
ORANGE, and DOES 1-10,

20 Defendants.
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CASE NO: SACV 12-1458JVS (JPRx)

**DECLARATION OF FRED KOGEN
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Date: October 15, 2012

Time: 1:30 p.m.

Location: Ronald Reagan Federal
Building
411 West Fourth Street
Room 1053
Santa Ana, CA 92701

Courtroom: 10C

Judge: James V. Selna

Date Action Filed: September 5, 2012

DECLARATION OF FRED KOGEN

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3 1. I, Fred Kogen, submit this declaration in support of Plaintiffs' Motion for
4 a Preliminary Injunction. I make this declaration of my own personal knowledge
5 and, if called as a witness, I could and would testify competently to the truth of the
6 matters set forth herein.

7 2. I am a resident of Orange County, California and a United States Citizen
8 over 21 years of age.

9 3. I am not prohibited under federal or California law from receiving or
10 possessing firearms.

11 4. I am a California licensed physician and a mohel. A mohel is a person
12 that performs circumcisions of newborn male children. As a mohel, I often travel to
13 various cities and am often meeting my clients for the very first time upon my
14 arrival.

15 5. My occupation as a mohel is controversial and I have received threats.
16 One such threat was in the form of a letter that was sent to me at my home, in
17 which the individual called me a criminal, characterized my professional activities
18 as crimes, and - in effect - called for my death. In the letter, he said he would kill
19 every mohel if there would be no repercussions for doing so.

20 6. I own a handgun and I would carry a handgun in public for self-defense
21 on occasions I deem appropriate, but do not do so because I fear prosecution since
22 I do not possess a valid license to publicly carry a handgun pursuant to California
23 Penal Code section 26150.

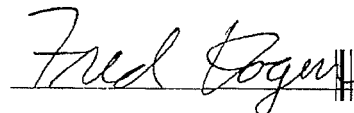
24 7. I submitted to the Orange County Sheriff's Department an official
25 Department of Justice application for a license to publicly carry a handgun.
26 Exhibit "1" that is attached hereto is a true and correct copy of the relevant pages
27 of my completed application, which has been partially redacted by the Orange
28 County Sheriff's Department.

1 8. My application for a license to publicly carry a handgun asserted "good
2 cause" based upon self-defense and the defense of members of my immediate
3 family, due to the controversial nature of my occupation, the sometimes remote
4 locations to which I am required to travel, a lack of prior familiarity with the
5 people I am meeting, receiving direct and indirect threats for my occupation, and a
6 genuine fear for my own safety and the safety of the members of my family. See
7 Exhibit "1."

8 9. On or about July 10, 2012, my application for a Carry License was denied
9 by the Orange County Sheriff's Department for lack of "good cause." Exhibit "2"
10 that is attached hereto is a true and correct copy of the letter I received from the
11 Orange County Sheriff's Department, which they have partially redacted.

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13 I declare under penalty of perjury, under the laws of the United States and of
14 the state of California, that the foregoing is true and correct.

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16 Executed in the United States on September 4, 2012.

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20 Fred Kogen

21 Plaintiff
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