

# **DECLARATION OF DEBRA L. GONZALES**

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I, DEBRA L. GONZALES, declare as follows:

1. I am employed as an Assistant City Attorney with the Los Angeles City Attorney's Office. I have personal knowledge of all the facts set forth herein and if called upon to testify, I could and would do so competently. As to those matters of which I am informed and believe, I believe them to be true and accurate.

2. I am one of the attorneys representing Defendant City of Los Angeles in the Ex Parte Application for Temporary Restraining Order (TRO) currently pending in *Bruce Boyer v. City of Los Angeles*, CV 12-04005 GAF (FFMx).

3. On May 10, 2012, I received a copy of Plaintiff Boyer's Application for TRO and a letter from his attorney, George M. Wallace, dated May 9, 2012. Mr. Wallace's letter invited me to call him to discuss the issues outlined in the TRO application "in the hope that we can come to an agreement without the Court's intervention." A true and correct copy of Mr. Wallace's letter is attached hereto as Exhibit 1.

4. On May 10, 2012, Assistant City Attorney Carlos De La Guerra and I had a telephone conversation with Mr. Wallace to discuss the issues presented in Plaintiff's TRO application. I explained to Mr. Wallace that Mr. Boyer and the Sons of Liberty would be able to exercise their First Amendment rights on the public sidewalks or public areas immediately adjacent to the City's gun buyback locations by doing any of the following: (a) verbally expressing their views, (b) carrying signs or wearing signs on their person; (c) wearing t-shirts or other clothing with slogans containing their message, (d) handing out flyers to pedestrians or any person in a vehicle in line to enter the gun buyback locations. I further assured Mr. Wallace that Mr. Boyer and the Sons of Liberty would not be precluded from exercising their First Amendment rights in areas open to the public such as sidewalks as long as they were not doing any of the following: (a) entering the roadway and creating a traffic hazard; (b) impeding the movement of vehicles in line to enter the Gun Buy Back Program locations; (c) violating any Los Angeles Municipal Code provisions or state laws such as the California Vehicle Code.

5. Mr. De La Guerra and I further explained to Mr. Wallace the City's position that: (a) the six gun buyback locations are non-public fora which are not open to the general public, (b) entry to the gun buyback locations is limited to those individuals who want to participate in the gun buyback by surrendering firearms in exchange for gift cards, and (c) the general public, including Mr. Boyer and the Sons of Liberty, will not be allowed entry to the gun buyback locations unless they want to participate in the program by surrendering a firearm.

I swear under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 10<sup>th</sup> day of May, 2012 at Los Angeles, California.

Debra L. Gonzales  
Debra L. Gonzales, Declarant

# **EXHIBIT 1**

WALLACE, BROWN  
& SCHWARTZ

ATTORNEYS AT LAW  
215 NORTH MARENCO AVENUE  
THIRD FLOOR  
PASADENA, CA 91101-1504

TELEPHONE  
(626) 844-6777  
FACSIMILE  
(626) 795-0353

VIA FAX (213) 978-8787 AND OVERNIGHT DELIVERY

May 9, 2012

Debra Gonzales, Assistant City Attorney  
200 N. Main Street  
City Hall East, Room 800  
Los Angeles, California 90012

Re: ***Bruce Boyer; Sons of Liberty LA v. City of Los Angeles, et al.***  
***USDC Case No. CV 12-04005 GAF***  
***Our File No. 1096-1038***

Dear Ms. Gonzales:

I attempted to reach you by telephone earlier today, but was told that you had just entered a meeting. Not having had the opportunity to speak with you, I am sending this letter and its enclosures.

I understand from my client, Mr. Bruce Boyer, that you have been the principal point of contact between him and the City Attorney's office with regard to the efforts of Mr. Boyer and members of Sons of Liberty LA to attend the upcoming Gun Buy Back events on May 12, 2012, for purposes of engaging in speech activity concerning those events.

Because an agreed resolution has not been reached between my clients and the City, and because my clients therefore have no assurance that they will not be subject to arrest if they attend these events and attempt to communicate with other members of the public concerning them, I have filed a suit for declaratory and injunctive relief in the U.S. District Court for the Central District of California. The case was filed on the afternoon of Tuesday, May 8. I believe the Summons and Complaint were served on the office of the City Clerk this morning, although I have not yet received back the Proof of Service.

I am attaching copies of the Summons and Complaint and related papers. Also attached are copies of papers in support of the plaintiffs' application to the court for a Temporary Restraining Order and OSC re Preliminary Injunction. The restraining order is being sought on an urgency basis, so that it may issue in advance of Saturday's Gun Buy Back events.

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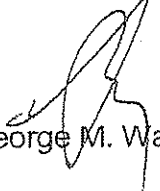
May 9, 2012

In addition to transmitting these documents to you by fax, I am overnighting hard copies, instructing the carrier to deliver them as early as practicable on Thursday morning.

When you have had the opportunity to review these papers, I would welcome the opportunity to speak with you, in the hope that we can come to an agreement without the Court's intervention. There should certainly be a way in which the City's legitimate interests surrounding the Gun Buy Back program, and my clients' constitutional rights to comment upon that program and to communicate with its participants concerning its wisdom and legality and the availability of alternative means of disposing of unwanted firearms in a safe and legal manner, can be balanced. If there is an opening for a negotiated solution to this dispute, I would be pleased to discuss it further with you.

Thank you.

Very truly yours,



George M. Wallace

PROOF OF SERVICE

I, the undersigned, declare as follows: I am over the age of 18 years and not a party to the within action or proceeding. My business address is 800 City Hall East, 200 North Main Street, Los Angeles, California 90012.

On, May 11, 2012, I served the foregoing document described as:

CITY OF LOS ANGELES' RESPONSE TO EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF RICHARD TOMPKINS; DECLARATION OF CARLOS DE LA GUERRA; DECLARATION OF DEBRA GONZALES

On all interested parties in this action by transmitting true copies thereof addressed as follows:

**GEORGE WALLACE, Esq.** Fax (626)795-0353  
**WALLACE, BROWN & SCHWARTZ**  
Attorneys at Law  
215 North Marengo Avenue, 3<sup>rd</sup> Floor  
Pasadena, CA 91101-1504

[X] **BY FACSIMILE TRANSMISSION** – I caused such documents to be transmitted to the offices of the addressee via facsimile machine, prior to 5:00 p.m. on the date specified above. The facsimile machine I used was in compliance with Rule (2003(3), and the transmission was reported as complete without error. Pursuant to Rule 2008(e), I caused a copy of the transmission report to be properly issued by transmitting facsimile.

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

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed May 11, 2012, at Los Angeles, California.

/s/ Patricia Guerra  
Patricia Guerra