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Superior Court of California  
County of Los Angeles

NOV 12 2015

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

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Attorneys for Plaintiffs/Petitioners

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES  
CENTRAL DISTRICT

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

Case No.: BS158682

**DECLARATION OF COUNSEL ANNA  
M. BARVIR IN SUPPORT OF EX  
PARTE MOTION TO STAY  
ENFORCEMENT OF LAMC  
SECTION 46.30, ALTERNATIVELY,  
FOR TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE**

Exhibits 5 - 11

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

Action Filed: October 23, 2015

1 ENFORCEMENT ALLIANCE OF AMERICA, INC.,  
2 CALIFORNIA RIFLE AND PISTOL ASSOCIATION,  
3 CALIFORNIA RESERVE PEACE OFFICERS  
4 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  
10 CHARLIE BECK, in his official capacity, and  
11 DOES 1-10,

12 Defendants and Respondents.

13 **DECLARATION OF ANNA M. BARVIR**

14 I, Anna M. Barvir, declare:

15 1. I am an attorney licensed to practice law before the courts of the State of  
16 California. I am an associate attorney of the law firm Michel & Associates, P.C., attorneys of  
17 record for Plaintiffs-Petitioners in this action, and I have personal knowledge of each fact stated  
18 in this declaration and could, if called, competently testify thereto.

19 2. Attached as Exhibit 5 is a true and correct copy of the docket for Council File No.  
20 13-0068, which I viewed and printed from LACityClerkConnect, the official council file  
21 management system of the City Clerk for the City of Los Angeles,  
22 <https://cityclerk.lacity.org/lacityclerkconnect>, on or about November 4, 2015.

23 3. Attached as Exhibit 6 is a true and correct copy of Councilmember Paul  
24 Krekorian's motion to request a report on the feasibility of prohibiting the possession of so-called  
25 "high-capacity magazines." I viewed and printed this document from LACityClerkConnect, the  
26 official council file management system of the City Clerk for the City of Los Angeles,  
27 <https://cityclerk.lacity.org/lacityclerkconnect>, on or about November 4, 2015.

28 4. Attached as Exhibit 7 is a true and correct copy of Official Action of the Los  
Angeles City Council regarding Council File No. 13-0068, which I viewed and printed from  
LACityClerkConnect, the official council file management system of the City Clerk for the City

1 of Los Angeles, <https://cityclerk.lacity.org/lacityclerkconnect>, on or about November 4, 2015.

2 5. Attached as Exhibit 8 is a true and correct copy of Communication from Mayor  
3 regarding Council File No. 13-0068 dated August 7, 2015, which I viewed and printed from  
4 LACityClerkConnect, the official council file management system of the City Clerk for the City  
5 of Los Angeles, <https://cityclerk.lacity.org/lacityclerkconnect>, on or about November 4, 2015.

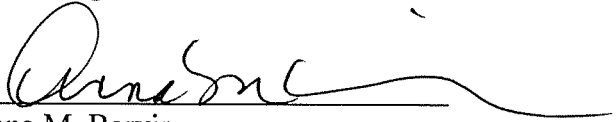
6 6. Attached as Exhibit 9 is a true and correct copy of Final Ordinance No. 183806,  
7 which I viewed and printed from LACityClerkConnect, the official council file management  
8 system of the City Clerk for the City of Los Angeles,  
9 <https://cityclerk.lacity.org/lacityclerkconnect>, on or about November 4, 2015.

10 7. Attached as Exhibit 10 is a true and correct copy of Chris Eger's article, *Los*  
11 *Angeles Mayor Signs Confiscatory Magazine Ban Into Law* (Aug. 8, 2015), which I viewed and  
12 printed from [http://www.guns.com/2015/08/08/los-angeles-mayor-signs-confiscatory-magazine-](http://www.guns.com/2015/08/08/los-angeles-mayor-signs-confiscatory-magazine-ban-into-law/)  
13 [ban-into-law/](http://www.guns.com/2015/08/08/los-angeles-mayor-signs-confiscatory-magazine-ban-into-law/) on or about November 4, 2015.

14 8. Attached as Exhibit 11 is a true and correct copy of a map of the Los Angeles area  
15 that illustrates cities and communities entirely or almost entirely surrounded by the city of Los  
16 Angeles. I viewed and printed this doc from [http://eamechanicalrepair.com/wp-](http://eamechanicalrepair.com/wp-content/uploads/2011/09/service_area_map.jpg)  
17 [content/uploads/2011/09/service\\_area\\_map.jpg](http://eamechanicalrepair.com/wp-content/uploads/2011/09/service_area_map.jpg) on or about November 5, 2015.

18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct.

20 Executed this 04th day of November, 2015 in Long Beach, California.

21  
22   
23 Anna M. Barvir

---

## **EXHIBIT 5**

# LACityClerk Connect

## Council File Management System

**Council File: 13-0068**

City Attorney Reports: R13-0064; R14-0292  
Ordinance 183806

**Mover**

**PAUL KREKORIAN**

## Second

JOE BUSCAINO  
MITCHELL ENGLANDER  
PAUL KORETZ

## File Activities

Date	Activity
08/10/2015	Council Action.
08/07/2015	Mayor transmitted file to City Clerk. Ordinance effective date: September 19, 2015.
07/29/2015	City Clerk transmitted file to Mayor. Last day for Mayor to act is August 10, 2015.
07/28/2015	Council adopted item; Motion 43A adopted (see Council file 13-0068-S2).
06/27/2014	Public Safety Committee continued item to/for 30 days.
06/27/2014	City Attorney document(s) referred to Public Safety Committee.
06/26/2014	Document(s) submitted by City Attorney, as follows:  City Attorney report R14-0292, dated June 26, 2014, 2013, relative to a second revised draft ordinance banning possession of large-capacity magazines.
06/23/2014	Public Safety Committee scheduled item for committee meeting on June 27, 2014.
09/13/2013	Public Safety Committee continued item to/for a future Committee meeting.
09/06/2013	Public Safety Committee scheduled item for committee meeting on September 13, 2013.

### Online Documents (Doc)

Title	Doc Date
Final Ordinance No. 183806	09/19/2015
Council Action	08/10/2015
<b>Select Online Document</b>	
Final Ordinance No. 183806	09/19/2015
Council Action	08/10/2015
Communication from Mayor	08/07/2015

Meeting Date:	07/28/2015
Meeting Type:	Special
Vote Action:	Adopted
Vote Given:	(12 - 0 - 3)
<b>Member Name</b>	<b>CD Vote</b>
BOB BLUMENFIELD	3 ABSENT
MIKE BONIN	11 YES
JOE BUSCAINO	15 YES
GILBERT A. CEDILLO	1 ABSENT
MITCHELL ENGLANDER	12 YES
FELIPE FUENTES	7 ABSENT
MARQUEECE HARRIS-DAWSON	8 YES
JOSE HUIZAR	14 YES
PAUL KORETZ	5 YES
PAUL KREKORIAN	2 YES
NURY MARTINEZ	6 YES
MITCH O'FARRELL	13 YES
CURREN D. PRICE	9 YES
DAVID RYU	4 YES
HERB WESSON	10 YES

## **EXHIBIT 6**

13-0068

PUBLIC SAFETY

JAN 15 2013

MOTION

On February 28, 1997, two heavily armed bank robbers entered a North Hollywood Bank of America. As an outgunned LAPD courageously responded, the two robbers emptied more than a thousand rounds of ammunition using fully automatic machine guns and an AR-15 assault rifle with high capacity drum magazines and armor piercing bullets. The North Hollywood shootout spilled out into the surrounding community and was one of the longest in U.S. police history. Sadly, it was not a unique example of the abuse of high-capacity magazines to commit horrendous crimes of violence against large numbers of innocent people in Los Angeles and elsewhere.

Last month, the lives of 20 children and six adult staff members at Sandy Hook Elementary School were tragically taken by a gunman carrying three weapons, including an AR-15, in the worst school shooting in U.S. history. Like in North Hollywood, the AR-15 was capable of shooting 45 rounds per minute and was similar to weapons used at Columbine, Virginia Tech, Tucson, Aurora, and in other cities throughout the United States. Such weapons and their large capacity magazines are designed for one purpose only - to shoot and kill many people as quickly as possible.

While high-capacity magazines are not the cause of gun violence, they do make such tragic cases far more deadly. In light of this fact, a well-regulated city with concern for the safety of its communities should consider controlling the sale and possession of high-capacity magazines. California Penal Code § 12020(a) (2) (b) prohibits any person from "...manufacturing, importing into the state, keeping for sale, offering or exposing for sale, giving, or lending any high-capacity magazine." The state law, however, does not prohibit the possession of these magazines. This gap in the law threatens public safety, because on the streets of Los Angeles, high-capacity magazines pose a daily threat to our citizens and police officers.

I THEREFORE MOVE that the Council REQUEST a report from the City Attorney, the Chief Legislative Analyst and the Police Department on the feasibility, effectiveness and benefits of an ordinance to prohibit the possession of high-capacity ammunition magazines within the City of Los Angeles. The report should consider issues of pre-emption by, and compatibility with, current and proposed state and federal law, as well as a consideration by the Police Department as to whether the policy would improve and increase public safety.

PRESENTED BY:

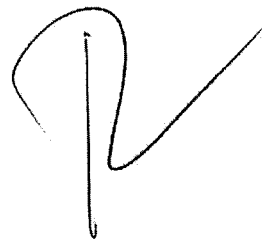


PAUL KREKORIAN  
Councilmember, 2<sup>nd</sup> District

SECONDED BY:



ORIGINAL

## **EXHIBIT 7**



HOLLY L. WOLCOTT  
CITY CLERK

GREGORY R. ALLISON  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

**Council and Public Services Division**

200 N. SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012  
GENERAL INFORMATION - (213) 978-1133  
FAX: (213) 978-1040

SHANNON HOPPE  
DIVISION MANAGER

CLERK.LACITY.ORG

When making inquiries relative to  
this matter, please refer to the  
Council File No.: 13-0068

## OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

August 10, 2015

**Council File No.:** 13-0068

**Council Meeting Date:** July 28, 2015

**Agenda Item No.:** 43

**Agenda Description:** COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to banning the possession of large-capacity magazines.

**Council Action:** ORDINANCE AND MOTION 43A (ENGLANDER - BUSCAINO) - ADOPTED FORTHWITH

**Council Vote:**

ABSENT	BOB BLUMENFIELD
YES	MIKE BONIN
YES	JOE BUSCAINO
ABSENT	GILBERT A. CEDILLO
YES	MITCHELL ENGLANDER
ABSENT	FELIPE FUENTES
YES	MARQUEECE HARRIS-DAWSON
YES	JOSE HUIZAR
YES	PAUL KORETZ
YES	PAUL KREKORIAN
YES	NURY MARTINEZ
YES	MITCH O'FARRELL
YES	CURREN D. PRICE
YES	DAVID RYU
YES	HERB WESSON

HOLLY L. WOLCOTT  
CITY CLERK

## **EXHIBIT 8**

TIME LIMIT FILES  
ORDINANCES

Mayor's Time Stamp  
OFFICE OF THE  
RECEIVED  
2015 JUL 29 AM 11:51  
CITY OF LOS ANGELES

City Clerk's Time Stamp  
2015 JUL 29 AM 11:48  
CITY CLERK  
BY \_\_\_\_\_  
DEPUTY

COUNCIL FILE NUMBER 13-0068 COUNCIL DISTRICT \_\_\_\_\_  
COUNCIL APPROVAL DATE JULY 28, 2015 LAST DAY FOR MAYOR TO ACT AUG 10 2015  
ORDINANCE TYPE: ☐ Ord of Intent ☐ Zoning ☐ Personnel ☒ General  
☐ Improvement ☐ LAMC ☐ LAAC ☐ CU or Var Appeals - CPC No. \_\_\_\_\_

SUBJECT MATTER: BANNING THE POSSESSION OF LARGE-CAPACITY MAGAZINES

PLANNING COMMISSION  
DIRECTOR OF PLANNING  
CITY ATTORNEY  
CITY ADMINISTRATIVE OFFICER  
OTHER

APPROVED

DISAPPROVED

BY \_\_\_\_\_  
CITY CLERK  
DEPUTY

CITY CLERK

2015 AUG -7 PM 3:33

RECEIVED  
CITY CLERK'S OFFICE

AUG 07 2015

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR \*VETO \_\_\_\_\_  
(\*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 250(b) (c))

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR AUG 07 2015 ORDINANCE NO. 183806  
DATE PUBLISHED \_\_\_\_\_ DATE POSTED AUG 10 2015 EFFECTIVE DATE SEP 19 2015  
ORD OF INTENT: HEARING DATE \_\_\_\_\_ ASSESSMENT CONFIRMATION \_\_\_\_\_  
ORDINANCE FOR DISTRIBUTION: YES ☐ NO ☐

## **EXHIBIT 9**

ORDINANCE NO. 183806

An ordinance adding a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code to prohibit the possession of large-capacity magazines.

**WHEREAS**, the ability of an automatic or semi-automatic firearm to fire multiple bullets without reloading is directly related to the capacity of the firearm's feeding device or "magazine";

**WHEREAS**, any ammunition feeding device with the capacity to accept more than 10 rounds of ammunition as defined in Section 16740 of the California Penal Code is considered to be a "large-capacity" magazine, and some large-capacity magazines can hold up to 100 rounds of ammunition;

**WHEREAS**, although detachable large-capacity magazines are typically associated with machine guns or semi-automatic assault weapons, such devices are available for any semi-automatic firearm that accepts a detachable magazine, including semi-automatic handguns;

**WHEREAS**, the ability of large-capacity magazines to hold numerous rounds of ammunition significantly increases the lethal capacity of the automatic and semi-automatic firearms with these magazines;

**WHEREAS**, a recent study concluded that 42 percent of mass shooting incidents within the last three decades involved an assault weapon and more than half of the perpetrators possessed assault weapons, large-capacity magazines or both;

**WHEREAS**, on average, shooters who use assault weapons and/or large-capacity magazines in mass shootings shoot 151 percent more people and kill 63 percent more people than shooters who do not use assault weapons and large-capacity magazines;

**WHEREAS**, the prohibition on large-capacity magazines serves as further protection for law enforcement officers because shooters will be forced to reload – and put themselves in a position to be subdued – before they can cause mass casualties;

**WHEREAS**, large-capacity magazines were used in a number of high-profile shootings, including:

- The shooting at a San Francisco law firm on July 1, 1993, where a shooter armed with semiautomatic assault weapons and large capacity magazines, some capable of holding up to 50 rounds of ammunition, killed 8 people and injured 6 others;

- The shooting on December 7, 1993, that occurred in a Long Island Rail Road train, where a shooter armed with a semi-automatic handgun and large capacity magazines killed 6 people and wounded 19 others;
- The shooting on February 28, 1997, at a North Hollywood Bank of America where two heavily armed bank robbers emptied more than a thousand rounds of ammunition using fully automatic machine guns and an AR-15 assault rifle with high-capacity drum magazines and armor-piercing bullets, where several courageous LAPD officers were outgunned and injured as a result of the incident;
- The shooting at the Connecticut State Lottery Headquarters in Newington, Connecticut on March 6, 1998, where a gunman armed with 9mm pistol and large-capacity magazine holding 19-rounds of ammunition, killed 4 people;
- The shooting on April 20, 1999, at Columbine High School in Columbine, Colorado where two students using shot guns and semi-automatic handguns loaded with 52, 32 and 28-round large-capacity magazines killed 12 students and injured 21 additional students;
- The shooting at the North Valley Jewish Community Center in Granada Hills on August 10, 1999, where a shooter armed with an Uzi-type submachine gun and semi-automatic pistol and large-capacity magazines fired 70 shots into the lobby of the Community Center, wounding 5 people (3 children, 1 teenage counselor and an officer worker);
- The shooting on the campus of Virginia Polytechnic Institute and State University in Virginia on April 16, 2007, where a college student using two semi-automatic handguns loaded with 15-round large-capacity magazines and hollow-point ammunition killed 32 people and wounded 17 others;
- The shooting on April 3, 2009, at the American Civic Association immigration center in Binghamton, New York where a shooter armed with semi-automatic pistols, two 30-round large capacity magazines, and two 15-round large capacity magazines, killed 13 people and wounded 4 others;
- The shooting at a family-owned beer and wine wholesaler in Manchester, Connecticut on August 3, 2010, where a gunman using a Sturm Ruger SR9 pistol and two large capacity magazines holding 17-rounds of ammunition, killed 8 co-workers and seriously wounded 2 others;
- The shooting on January 8, 2011, at a constituent meeting held in a supermarket parking lot in Tucson, Arizona where U.S. Representative Gabrielle Gifford and 13 others were shot by a man using a semi-automatic pistol loaded with a 33-round large capacity magazine. Six of the people shot died, including a Federal Court Judge;

- The shooting in a movie theater in Aurora, Colorado on July 20, 2012, where a gunman using a 12-gauge Remington 870 Express Tactical shotgun, a Smith & Wesson M&P15 semi-automatic rifle with a 100-round drum magazine and a semi-automatic handgun killed 12 and injured 58 others;
- The recent shooting on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut where a gunman using a Bushmaster XM15-E2S rifle with 30-round large-capacity magazines and semi-automatic handguns fatally shot 20 children and 6 adult staff members;
- The recent shooting on July 15, 2013, near and on the campus of Santa Monica College where a shooter armed with 1,300-rounds of ammunition, including a semi-automatic AR-15 assault rifle with large-capacity magazines, capable of holding 30-rounds of ammunition, killed 5 people and seriously wounded 4 others;
- The recent shooting on August 5, 2013, at a town meeting in Ross Township, Pennsylvania where a gunman fired 28-rounds from a Ruger Mini-14 rifle, killing 3 people and injuring 2 others. The shooter used a 30-round large-capacity magazine in his rifle and had 90-rounds of ammunition in his car;
- The recent shooting on August 20, 2013, at Ronald E. McNair Discovery Learning Academy in Decatur, Georgia where a gunman using an AK 47-style assault rifle, large-capacity magazines and nearly 500 rounds of ammunition exchanged fire with local law enforcement before ultimately surrendering to local law enforcement;
- The recent shooting on September 20, 2013 at a park on the south side of Chicago where a shooter armed with an assault weapon equipped with a large-capacity magazine injured 13 people; and
- The recent shooting on November 1, 2013, at Los Angeles International Airport where a gunman using a Smith & Wesson M&P15 semi-automatic rifle loaded with a 30-round large-capacity magazine opened fire into a crowded airport terminal, killing 1 TSA agent and wounding several others. The shooter had five additional 30-round large-capacity magazines and hundreds of ammunition in his carrying bag;

**WHEREAS**, large-capacity magazine bans reduce the capacity, and thus the potential lethality, of any firearm that can accept a large capacity magazine; and

**WHEREAS**, large-capacity magazines are not necessary for individuals to vindicate their right to self-defense. Only in an extraordinarily rare circumstance would a person using a firearm in self-defense ever be required to use a large-capacity magazine to defend himself or herself effectively. This is particularly true in an urban center like Los Angeles where law enforcement can and does respond quickly to threats

and incidents. Conversely, the dangers of large-capacity magazines are heightened in dense urban areas like Los Angeles;

**WHEREAS**, in 1994, in recognition of the dangers posed by large-capacity magazines, Congress adopted a law prohibiting the transfer and possession of large-capacity magazines as part of the federal assault weapon ban;

**WHEREAS**, the federal law banning large-capacity magazines was enacted with a sunset clause and expired on September 13, 2004;

**WHEREAS**, a researcher hired by the U.S. Department of Justice to analyze the effect of the 1994 federal ban on assault weapons and large-capacity magazines found that "attacks with semi-automatics including assault weapons and other semi-automatics equipped with large-capacity magazines result in more shots fired, more persons hit, and more wounds inflicted per victim than do attacks with other firearms";

**WHEREAS**, since the federal ban's sunset in 2004, the Los Angeles Police Department's Gun Unit has seen a significant increase in the number of large-capacity magazines recovered, from 38 in 2003 to anywhere from 151 to 940 each year between 2004 and 2010;

**WHEREAS**, the number of assault rifles recovered by the Los Angeles Police Department's Gun Unit ranged from 93 in 2010, 56 in 2011, 54 in 2012, and 63 in 2013;

**WHEREAS**, since January 1, 2000, California Penal Code Section 32310 has, with limited exceptions, prohibited the manufacture, importation into the state, keeping for sale, offering or exposing for sale, giving or lending of large capacity magazines; however, California law does not prohibit the possession of these magazines, and this gap in the law threatens public safety;

**WHEREAS**, any large-capacity magazine that is subject to California Penal Code Section 32390 is a nuisance wherever found within the State and can be disposed of in accordance with the provisions of Sections 18010 and 18005 of the California Penal Code; and

**WHEREAS**, it is necessary to preserve the peace and protect the general health, safety and welfare of the residents of the City.



**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. A new Article 6.7 is added to Chapter IV of the Los Angeles Municipal Code to read as follows:

**ARTICLE 6.7**

**LARGE-CAPACITY MAGAZINES – POSSESSION PROHIBITED**

**SEC. 46.30. LARGE-CAPACITY MAGAZINES – POSSESSION PROHIBITED.**

**(a) Definitions.**

(1) **“LARGE –CAPACITY MAGAZINE”** means any detachable ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

- (i) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.
- (ii) A .22 caliber tube ammunition feeding device.
- (iii) A tubular magazine that is contained in a lever-action firearm.

**(b) Prohibition on Possession of Large-Capacity Magazines**

(1) It is unlawful for any person to possess any large-capacity magazine, except as otherwise authorized by law, whether assembled or disassembled.

(2) Any person who, prior to the effective date of this article, was legally in possession of a large-capacity magazine shall have 60 days from such effective date to do any of the following without being subject to prosecution:

- (i) Remove the large-capacity magazine from the City of Los Angeles;
- (ii) Surrender the large-capacity magazine to the Los Angeles Police Department for destruction;
- (iii) Sell or transfer the large-capacity magazine lawfully in accordance with Section 32410 of the California Penal Code.

(c) **Exemptions.**

The provisions of Subsection (b) shall not apply to the following:

(1) Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to possess a large-capacity magazine, and does so while acting within the scope of his or her duties;

(2) A person licensed pursuant to Sections 26700 to 26915 of the California Penal Code;

(3) A gunsmith for the purpose of maintenance, repair or modification of the large-capacity magazine;

(4) Any entity that operates an armored vehicle business pursuant to the laws of the state, and an authorized employee of such entity, while in the course and scope of his or her employment for purposes that pertain to the entity's armored vehicle business;

(5) Any person, corporation or other entity that manufactures the large-capacity magazine for a person mentioned in Subdivision (1), or for export pursuant to applicable federal regulations;

(6) Any person using the large-capacity magazine solely as a prop for a motion picture, television or video production;

(7) Any holder of a special weapons permit issued pursuant to California Penal Code Sections 18900, 31000, 32650, 32700-32720, or 33300;

(8) Any person issued a permit pursuant to California Penal Code Section 32315 by the Department of Justice upon a showing of good cause for the possession, transportation or sale of large-capacity magazines between a person licensed pursuant to Sections 26700 to 26915 of the California Penal Code, and an out-of-state client, when those activities are in accordance with the terms and conditions of the permit;

(9) Any federal, state or local historical society, museum or institutional collection which is open to the public, provided that the large-capacity magazine is properly housed, secured from unauthorized handling and unloaded;

(10) Any person who finds the large-capacity magazine, if the person is not prohibited from possessing firearms or ammunition pursuant to federal or state law, and the person possesses the large-capacity magazine no longer than is necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to the law;

(11) A forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities;

(12) Any person in the business of selling or transferring large-capacity magazines in accordance with California Penal Code Section 32310 who is in possession of a large-capacity magazine solely for the purpose of doing so; or

(13) Any person lawfully in possession of a firearm that the person obtained prior to January 1, 2000 if no magazine that holds 10 or less rounds of ammunition is compatible with that firearm and the person possesses the large-capacity magazine solely for use with that firearm;

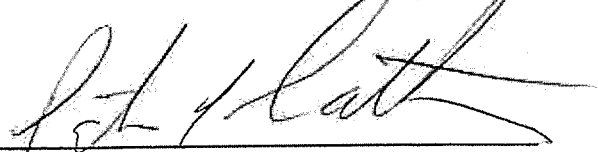
(d) **Penalty.** Violation of this section shall constitute a misdemeanor.

(e) **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable.


Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of JUL 28 2015.

HOLLY L. WOLCOTT, City Clerk


By   
Deputy

Approved August 7, 2015

  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
BRIAN SOTTILE  
Deputy City Attorney

Date JUN 26 2014

File No. CF 13-0068

## DECLARATION OF POSTING ORDINANCE

I, VERONICA COLEMAN-WARNER, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

**Ordinance No.183806 – Adding a new Article 6.7 to Chapter IV of the Los Angeles Municipal Code to prohibit the possession of large-capacity magazines** - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **July 28, 2015**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **August 10, 2015** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **August 10, 2015** and will be continuously posted for ten or more days.

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

Signed this **7th** day of **August, 2015** at Los Angeles, California.

  
Veronica Coleman-Warner, Deputy City Clerk

**Ordinance Effective Date: September 19, 2015**

**Council File No. 13-0068**

## **EXHIBIT 10**

# Los Angeles Mayor signs confiscatory magazine ban into law

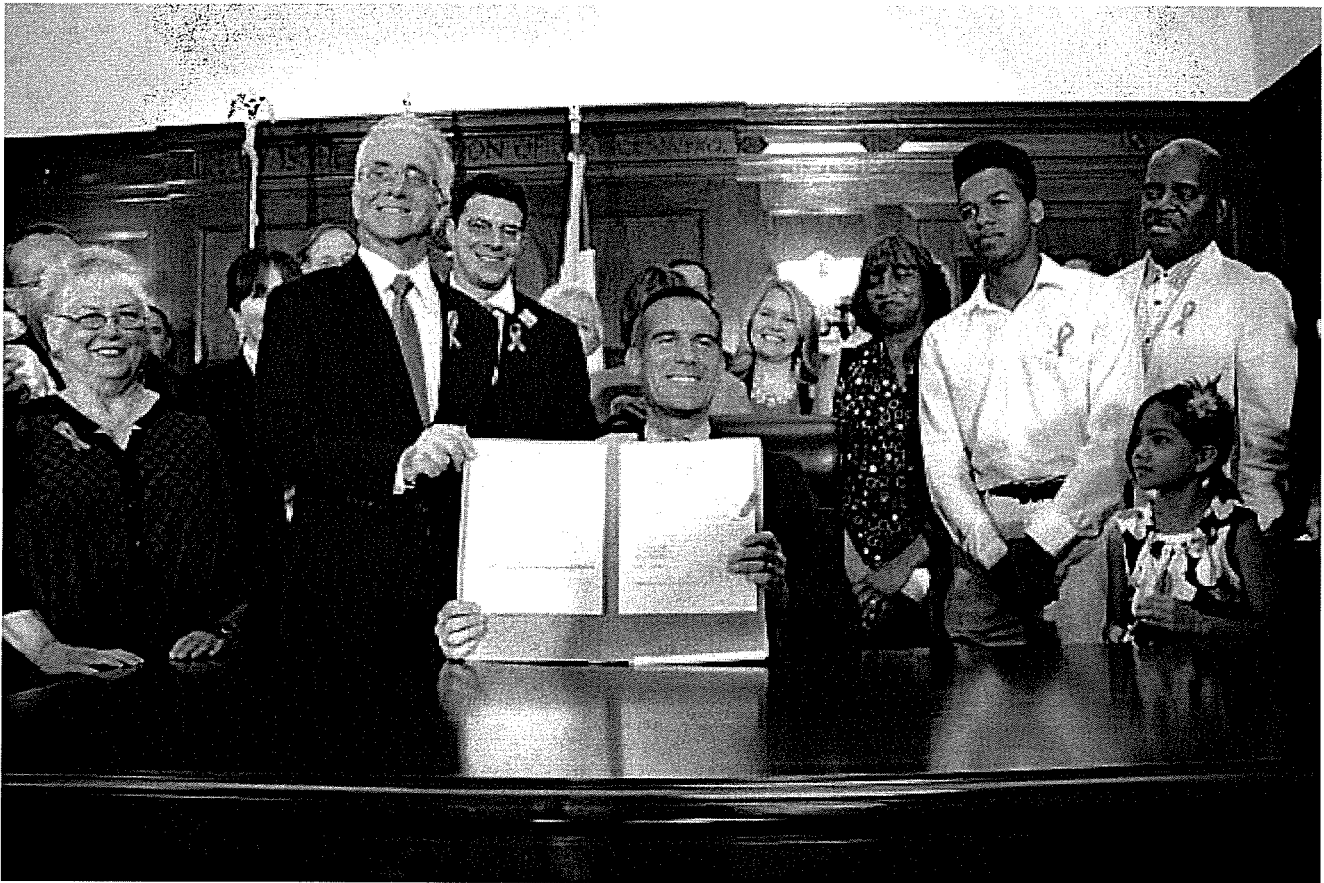
8/08/15 | by Chris Eger

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Mayor Eric Garcetti gave his signature to a measure backed by City Councilman Paul Krekorian that ends legal possession of pre-ban high capacity magazines in the City. (Photo: lamayor.org)

In 60 days, there will be no such thing as a legally grandfathered civilian-owned magazine capable of holding more than 10 rounds in Los Angeles.

Mayor Eric Garcetti signed the citywide ordinance Friday prohibiting the ownership of what

the state deems large-capacity detachable firearm magazines. The controversial measure was introduced by City Councilman Paul Krekorian and passed the council **by unanimous vote** on July 28.

Krekorian, along with gun control advocates, joined Garcetti at City Hall for the signing ceremony.

“I am committed to reducing the gun violence in our city,” Garcetti said. “This ban is part of that larger effort. It will help keep our streets safer and help prevent the magnitude of mass shootings. We are sending a clear message – we will not wait for Washington to act, we are ready to act now.”

The ordinance, **Council File 13-0068**, bans the possession of any magazine capable of holding more than 10 cartridges inside the city limits. While state lawmakers enacted a similar prohibition **in 1999** during the Federal Assault Weapons Ban, it allowed continued possession of mags already in circulation. The new Los Angeles law removes that protection.

People who currently possess such magazines, many for collectable firearms registered decades ago, have a 60 day window to remove them from the city, sell them to a legal gun dealer, or turn them into the Los Angeles Police Department.

Exemptions are in place for Hollywood prop masters, gunsmiths, law enforcement, museums who have such magazines on display and anyone with a grandfathered mag to a weapon for which there is no 10-round magazine produced.

Krekorian, the author of the ban, painted the new prohibition as a lifesaver, saying, “These magazines may not be the cause of gun violence, but when shooters use them, tragedies turn into massacres.”

The National Rifle Association, who challenged similar confiscatory bans in **Sunnyvale** and **San Francisco**, are pledging action on the City of Angles latest attempt at gun control.

“This ordinance will not prevent violent crime or mass shootings, but it does limit the Second



Amendment rights of law-abiding gun owners who choose these magazines to defend themselves and their families,” reads a statement from the gun rights organization.

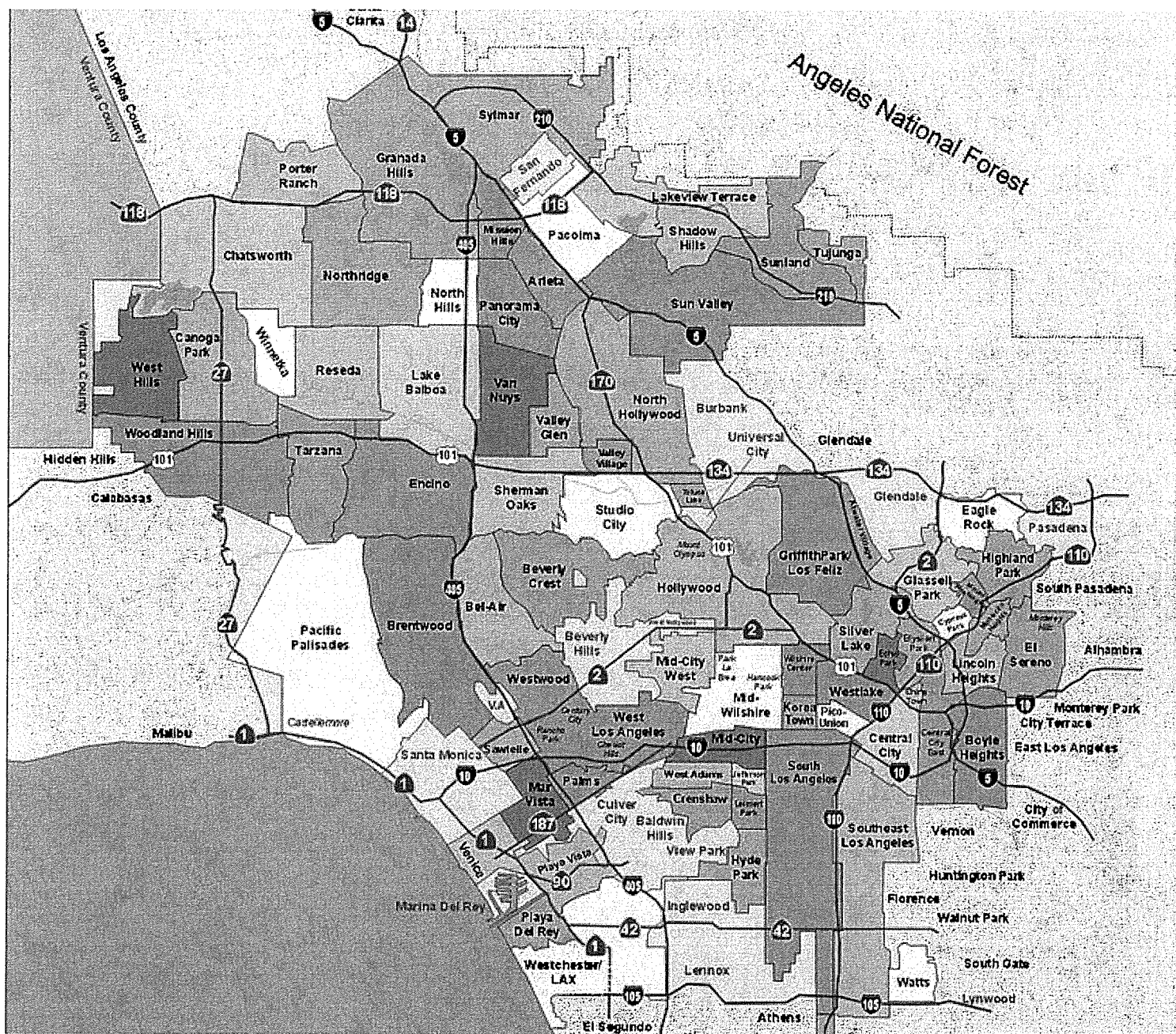
“As most gun owners already know, magazines holding more than ten rounds are standard equipment for many popular pistols and rifles, especially those that are selected for defensive purposes. These standard capacity magazines are possessed by millions of law-abiding Americans for a variety of lawful purposes, including self-defense,” the statement reads.

City Attorney Mike Feuer, who drafted the law at the request of the Council, contends that it is virtually lawsuit-proof.

“We have considered the possibility that the second revised draft ordinance might be challenged on the grounds that it is preempted by State law or violates the Second Amendment of the United States Constitution,” Feuer told the Council in a memo prior to their vote. “We believe the second draft ordinance is legally defensible on both grounds.”

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## **EXHIBIT 11**



**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 10, 2015, I served the foregoing document(s) described as

**DECLARATION OF ANNA M. BARVIR IN SUPPORT OF EX PARTE MOTION 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](mailto: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 10, 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. Said transmission was reported and completed without error.  
Executed on November 10, 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.