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7

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ORIGINAL FILED
Superior Court of California
County of Los Angeles

NOV 12 2015

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

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF LOS ANGELES

10 CENTRAL DISTRICT

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

Case No.: BS158682

**DECLARATION OF COUNSEL
CLINTON B. MONFORT IN
SUPPORT OF EX PARTE
APPLICATION TO STAY
ENFORCEMENT OF LAMC
SECTION 46.30, ALTERNATIVELY,
FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE; EXHIBITS 1 - 4**

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

Action Filed: October 23, 2015

1 ALLIANCE OF AMERICA, INC., CALIFORNIA
2 RIFLE AND PISTOL ASSOCIATION, CALIFORNIA
3 RESERVE PEACE OFFICERS ASSOCIATION,

4 Plaintiffs and Petitioners,

5 vs.

6 THE CITY OF LOS ANGELES, MAYOR ERIC
7 GARCETTI, in his official capacity, LOS
8 ANGELES POLICE DEPARTMENT CHIEF CHARLIE
9 BECK, in his official capacity, and DOES 1-10,

10 Defendants and Respondents.

11 **DECLARATION OF CLINTON B. MONFORT**

12 I, Clinton B. Monfort, declare:

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

17 2. Section 46.30 of the Los Angeles Municipal Code (“LAMC Section 46.30”) became law
18 on September 15, 2015. Active and retired law enforcement officials, security guards, and
19 individuals residing in Los Angeles and throughout California subsequently voiced their concerns
20 to Plaintiffs’ counsel regarding the need for judicial relief to prevent the enforcement of the City’s
21 confiscatory magazine ban prior to its effective enforcement date on November 19, 2015.

22 3. Both prior to and subsequent to section 46.30 becoming law, my office had been tracking,
23 on behalf of the Plaintiffs in this suit, proposed amendments to section 46.30 that were being
24 considered by the city of Los Angeles that would, among other things, alter the exemptions for
25 peace officers and include additional exemptions for various individuals, potentially impacting
26 Plaintiffs’ need to pursue litigation.

27 4. No amendments were ever enacted, and my office was instructed to proceed with
28 litigation to obtain a stay of enforcement to prevent irreparable harm to plaintiffs, including
criminal arrest and prosecution of individuals residing in or traveling through Los Angeles
pursuant to state law and as part of their normal business practices.

1 5. Plaintiffs filed suit on October 23, 2015.

2 6. On or about October 26, 2015, my office contacted the Court to inquire about available
3 dates for a formally noticed motion hearing for Plaintiffs' application to stay enforcement of
4 LAMC section 46.30.

5 7. My office was informed by the Court that the next available noticed motion hearing date
6 is in February 2016. It was then apparent that ex parte relief might be necessary to prevent the law
7 from taking effect during the pendency of this action.

8 8. Ex parte relief and a temporary stay of enforcement of section 46.30 is necessary to
9 prevent plaintiffs from being irreparably harmed by the risk of criminal arrest and prosecution
10 under an unconstitutional and preempted ordinance beginning on November 19, 2015, for
11 continuing to possess their lawfully possessed firearm magazines in the city of Los Angeles in
12 their homes, and while traveling into or through the city of Los Angeles, including during the
13 normal course and scope of their regular business practices. The specific nature of the irreparable
14 harm to each plaintiff is set forth in the declarations accompanying Plaintiffs' ex parte
15 application.

16 9. Upon filing Plaintiffs' Petition and Complaint on October 23, our office promptly served
17 all Defendants on October 23 and began contacting the City to discuss a stipulated stay of
18 enforcement to prevent irreparable harm to Plaintiffs upon the full enforcement of section 46.30
19 beginning on November 19, 2015. The City informed Plaintiffs that an attorney for the City
20 would not be able to speak with Plaintiffs' counsel until Wednesday, October 28, 2015.

21 10. On October 28, 2015, my office contacted the City Attorney's Office and was informed
22 that the case had been assigned to Deputy City Attorney Benjamin Chapman. I immediately
23 contacted Mr Chapman via telephone and electronic mail to ask whether Defendants would
24 stipulate to a temporary stay of enforcement of section 46.30 pending resolution of Plaintiffs-
25 Petitioners' motion for writ of mandate to be filed in late November or early December 2015. At
26 that time, I also notified Mr. Chapman that, if the City could not agree to a temporary stay,
27 Plaintiffs would proceed with an ex parte application for such relief. I contacted Mr. Chapman
28

1 again on October 29 to reiterate my previous communication and requested a response. On
2 October 30, my office contacted the City Attorney's office to acquire contact information for the
3 supervising attorney for the division to which this case was assigned. Our office was informed
4 that Mr. Ronald Whitaker is the supervising attorney, and I promptly contacted him via e-mail
5 concerning Plaintiffs' request for a stay of enforcement. Attached hereto as **Exhibit 1** is a true
6 and accurate copy of the electronic correspondence described above.

7 11. Mr. Chapman subsequently contacted me on October 30 via electronic mail and
8 indicated that the City would consider a temporary stay of enforcement and would let me know as
9 soon as the City reached a decision. (Ex. 1)

10 12. On November 2, 2015, Mr. Chapman notified me that the City would not agree to a
11 temporary stay because "we do not believe the City Attorney's office has the power to stay
12 enforcement of a lawfully enacted ordinance, and the City Council is not in session, so they are
13 unable to consider amending the ordinance to push back the enforcement date." In response to my
14 request for clarification, Mr. Chapman later notified me that the City would oppose any motion to
15 stay enforcement. (Ex. 1.)

16 13. On November 4, 2015, I again e-mailed Mr. Chapman, offering to set up an informal
17 briefing schedule on Plaintiffs-Petitioners' anticipated ex parte motion application to stay
18 enforcement of LAMC section 46.30 so that each party could sufficiently present their position to
19 the Court. I offered to provide the City with a courtesy copy of Plaintiffs-Petitioners' moving
20 papers by close of business on Thursday, November 5, 2015, if he could provide a copy of the
21 City's opposition by close of business on Tuesday, November 10, 2015. Later that day, Mr.
22 Chapman responded that he would not agree to such a timeline. Nonetheless, I assured Mr.
23 Chapman that my office would provide him with a courtesy copy of the brief as soon as we were
24 able to complete it. Attached hereto as **Exhibit 2** is a true and accurate copy of the electronic
25 correspondence between Mr. Chapman and I described above.

26 14. On November 5, I contacted Mr. Chapman to inform Defendants that Plaintiffs were still
27 working on their ex parte application, and I confirmed that Plaintiffs expect to have it completed
28

1 on Friday, November 6, 2015, and would serve it via electronic mail per his prior acceptance of
2 email service for purposes of this ex parte application as soon as it is complete. (Ex. 2.)

3 15. On November 6, 2015, I provided to Mr. Chapman via electronic mail a courtesy copy of
4 Plaintiffs-Petitioners' Ex Parte Motion to Stay Enforcement of LAMC Section 46.30,
5 Alternatively, for Temporary Restraining Order and Order to Show Cause. Attached hereto as
6 **Exhibit 3** is a true and accurate copy of the electronic correspondence described above.

7 16. On November 6, 2015, at or about 4:00 p.m., I notified Mr. Chapman via electronic mail
8 that Plaintiffs would be presenting to this Court at 8:30 a.m. on November 12, 2015, in this
9 courthouse their application for an order staying enforcement of LAMC section 46.30, prohibiting
10 Defendants-Respondents, their employees, agents, and persons acting with them on their behalf,
11 from enforcing section 46.30 during the pendency of this action. I also informed him that,
12 alternatively, Plaintiffs would seek a temporary restraining order enjoining the enforcement of
13 section 46.30 and an order to show cause pursuant to California Rules of Court, rule 3.1150,
14 affording Defendants the opportunity to appear and show cause why a preliminary injunction
15 should not issue restraining and enjoining them in the same manner for the remainder of this
16 litigation. Attached hereto as **Exhibit 4** is a true and accurate copy of the electronic
17 correspondence described above. I am informed and believe that Mr. Chapman's business address
18 is 200 North Main Street, 9th Floor, Los Angeles, California, 90012, his phone number is (213)
19 473-6858, and his e-mail address is: Benjamin.chapman@lacity.org.

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

22 Executed this 6th day of November, 2015 in Long Beach, California.

23
24 
25 Clinton B. Monfort

EXHIBIT 1

Clint B. Monfort

From: Benjamin Chapman <benjamin.chapman@lacity.org>
Sent: Tuesday, November 03, 2015 2:08 PM
To: Clint B. Monfort
Subject: Re: FW: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

Clint:

The City will oppose any stay of enforcement.

We agree that November 19 is the enforcement date.

Regards, Ben

On Mon, Nov 2, 2015 at 6:03 PM, Clint B. Monfort <CMonfort@michellawyers.com> wrote:

Ben,

Thank you for your meet and confer efforts on this.

We will proceed with our ex parte application for a stay of enforcement. And just to clarify, is the City only unable to stipulate to a stay for that reason, or will the City also be opposing the stay application that we will be filing with the Court (given that Court has authority to stay enforcement).

Also, can you confirm that the effective enforcement date is November 19. The way we have calculated it out, November 18 is the last day for individuals to dispose of their magazines.

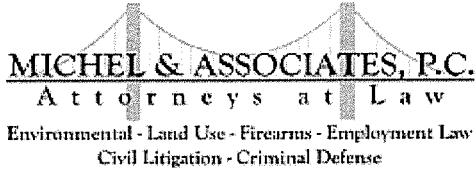
I will provide notice of the hearing date as soon as possible.

Thanks,

Clint

Clint B. Monfort	Direct: (562) 216-4456
-------------------------	------------------------

Attorney



Main: (562) 216-4444
Fax: (562) 216-4445
Email: CMonfort@michellawyers.com
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From: Benjamin Chapman [mailto:benjamin.chapman@lacity.org]

Sent: Monday, November 02, 2015 4:27 PM

To: Clint B. Monfort

Subject: Re: FW: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

Clint:

After consulting with the appropriate people here, we are unable to stipulate to a temporary stay of enforcement. Simply put, we do not believe the City Attorney's office has the power to stay enforcement of a lawfully enacted ordinance, and the City Council is not in session, so they are unable to consider amending the ordinance to push back the enforcement date.

Regards, Ben

On Fri, Oct 30, 2015 at 11:25 AM, Clint B. Monfort <CMonfort@michellawyers.com> wrote:

Oh, as far as timing goes, please provide us your response by the close of business Monday, November 2.

Given the short time frame we are dealing with, we would need to file our ex parte request early to mid next week if the City isn't able to stay enforcement to allow you some time to respond, have a hearing, obtain a ruling from the court, etc.

Thank you,

Clint

Clint B. Monfort
Attorney

Direct: [\(562\) 216-4456](tel:(562)216-4456)
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MICHEL & ASSOCIATES, P.C.
Attorneys at Law

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From: Benjamin Chapman [<mailto:benjamin.chapman@lacity.org>]
Sent: Friday, October 30, 2015 11:06 AM
To: Clint B. Monfort
Subject: Re: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

Clint:

Thank you for the email. I will be working on this case. My telephone number, should you need it going forward is [\(213\) 473-6858](tel:(213)473-6858).

I just received the complaint and have not yet been able to fully digest it. I am speaking with the appropriate people here as to your request for a temporary stay of enforcement. I will certainly let you know our response as soon as the decision is made.

I look forward to working with you on this.

Regards, Ben

On Wed, Oct 28, 2015 at 11:27 AM, Clint B. Monfort <CMonfort@michellawyers.com> wrote:

Mr. Chapman,

Our office was informed that you have been assigned to this matter. I tried giving you a call at the number the City provided us, but I was directed to someone else's voicemail. This is the number we were provided by: [\(213\) 978-7784](tel:(213)978-7784). If there is a better number to reach you at, please let me know and I will update my records.

I just wanted to touch base with you about the case and briefly discuss our plans, particularly given the pending enforcement date for the magazine ban, which our records indicate is November 19, 2015.

My clients asked me to inquire whether the City will stipulate to a temporary stay of enforcement pending resolution of my clients' motion for writ of mandate that they expect to file in late November or early December. For what it's worth, in similar cases involving firearm and magazine possession bans in San Francisco and Sunnyvale, those municipalities stipulated to temporary enforcement stays to obviate the need for ex parte relief to prevent individuals from being dispossessed of their property or placed at risk of criminal liability.


If the City is amenable to a temporary stay of enforcement, please let me know and we can put together a stipulation that both our clients are on board with.

If your clients are unwilling to stipulate to a temporary stay, please let me know as soon as possible so that I my clients can inform the Court and proceed with an ex part application to stay enforcement.

Feel free to give me a call anytime. I look forward to speaking with you.

Thank you,

Clint

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law</p> <p>Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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--

Benjamin Chapman
Deputy City Attorney
Office of the City Attorney
200 N. Main Street, 9th Floor
City Hall East, Room 916
Los Angeles, CA 90012
Phone: 213.473.6858
Fax: 213.473.6818
benjamin.chapman@lacity.org

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Clint B. Monfort

From: Clint B. Monfort
Sent: Friday, October 30, 2015 10:54 AM
To: 'ronald.whitaker@lacity.org'
Subject: FW: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

Mr. Whitaker,

I have been attempting to get in touch with your office about this case. My office was informed that this case was assigned to Benjamin Chapman, but I have been unable to get in touch with me via telephone or e-mail over the past few days. We were also informed that you are the supervising attorney for this division. If there is someone else I should be contacting about this matter, please advise.

I just wanted to touch base with your office about the pending enforcement date for the magazine ban, which our records indicate is November 19, 2015.


My clients asked me to inquire whether the City will stipulate to a temporary stay of enforcement pending resolution of my clients' motion for writ of mandate that they expect to file in late November or early December. For what it's worth, in similar cases involving firearm and magazine possession bans in San Francisco and Sunnyvale, those municipalities stipulated to temporary enforcement stays to obviate the need for ex parte relief to prevent individuals from being dispossessed of their property or placed at risk of criminal liability.

If the City is amenable to a temporary stay of enforcement, please let me know and we can put together a stipulation that both our clients are on board with.

If your clients are unwilling to stipulate to a temporary stay, please let me know as soon as possible so that I my clients can inform the Court and proceed with an ex parte application to stay enforcement.

Feel free to give me a call anytime. I look forward to hearing from you.

Thank you,

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law</p> <p>Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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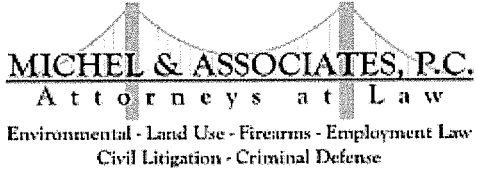
From: Clint B. Monfort
Sent: Thursday, October 29, 2015 4:34 PM
To: 'Benjamin.chapman@lacity.org'
Subject: RE: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

Mr. Chapman,

Can you please confirm that you received this message and that you are the attorney assigned to this case? If there is someone else I should be contacting about this matter, please advise.

Thank you,

Clint

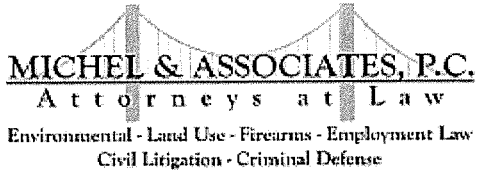
<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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From: Clint B. Monfort
Sent: Wednesday, October 28, 2015 11:27 AM
To: 'Benjamin.chapman@lacity.org'
Subject: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

Mr. Chapman,

Clint

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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EXHIBIT 2

Clint B. Monfort

From: Clint B. Monfort
Sent: Friday, November 06, 2015 12:59 PM
To: Benjamin.chapman@lacity.org
Subject: RE: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

Hi Ben,


I just wanted to provide you with an update.

We are very close to being done, and we are working as fast as we can to wrap this up and get you a copy. If nothing else, I can forward you a copy of the supporting memorandum the second we have it substantively completed, and then I can send you a final copy with tables added to maximize the time that you have to work on this.

I'll forward that your way the moment we are able to do so today and follow with final copies of all documents that will be filed with the Court.

Thank you,

Clint

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law</p> <p>Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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From: Clint B. Monfort
Sent: Thursday, November 05, 2015 4:35 PM
To: Benjamin.chapman@lacity.org
Subject: FW: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

Ben,

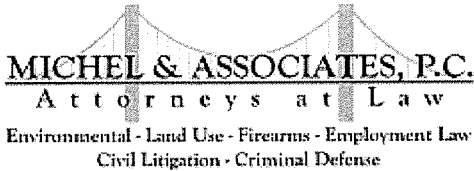
I just wanted to touch base with you and keep you informed as to our ex parte application for a temporary stay of enforcement.

We have been working around the clock to complete it and provide it to the City as far in advance of the hearing as possible.

We are still working on it but we expect to have it completed around lunchtime or shortly thereafter tomorrow. As soon as we complete it, we will serve an electronic copy per your prior e-mail.

Please let me know if you have any questions or concerns, or if we can do anything else to accommodate you or your clients prior to the hearing. Thank you and have a nice evening.

Clint

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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From: Clint B. Monfort
Sent: Wednesday, November 04, 2015 2:18 PM
To: Benjamin Chapman
Subject: Re: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

I will inform my clients that the City will not agree to provide us a copy of the brief per the proposed schedule.

Regardless, my clients still intend to provide the City with a copy of their motion in good faith prior to the hearing as soon as we are able to complete it.

Does the City intend to file an opposition brief?

If so, do you intend to provide plaintiffs with a copy prior to the hearing?

Please advise at your earliest convenience.

Thank you,

Clint

On Nov 4, 2015, at 12:53 PM, Benjamin Chapman <benjamin.chapman@lacity.org> wrote:

Clint:

Simply put, the City cannot accept a briefing schedule that gives the City just two court days to oppose an ex parte application that you have had months to prepare, and which seeks to disallow a critical public safety ordinance.

The Ordinance was passed by the City Council on July 28, 2015. The Mayor signed it on August 7. It went into effect on September 19. In light of these facts, there is no reason why your motion to stay enforcement could not have been properly noticed and filed months ago, thereby allowing the City its full statutory time to respond, and allowing the Court the proper time to read and reflect on its merits. Instead, for whatever reason, Petitioners have waited until the eleventh hour to seek a stay. Accordingly, the "exigent circumstances" you refer to in your prior email are of your own making.

With respect to your other email, yes, the City will accept email service of your ex parte application.

Regards, Ben

On Tue, Nov 3, 2015 at 4:06 PM, Clint B. Monfort <CMonfort@michellawyers.com> wrote:


To allow our clients the opportunity to respond to one another's arguments (and to allow the Court to review our respective positions in writing in chambers the morning of the hearing), would the City be amenable to the following briefing schedule for our ex parte application?

Plaintiffs serve an e-mail copy of the ex parte application by 4PM on Thursday, November 5.

Defendants serve an e-mail copy of their opposition by 4PM on Tuesday, November 10.

Let me know if this will work for you and we will rush preparation of our ex parte application.

Clint

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law</p> <p>Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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--

Benjamin Chapman
Deputy City Attorney
Office of the City Attorney
200 N. Main Street, 9th Floor
City Hall East, Room 916
Los Angeles, CA 90012
Phone: [213.473.6858](tel:213.473.6858)
Fax: [213.473.6818](tel:213.473.6818)
benjamin.chapman@lacity.org

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EXHIBIT 3

Clint B. Monfort

From: Clint B. Monfort
Sent: Friday, November 06, 2015 3:42 PM
To: Benjamin.chapman@lacity.org
Subject: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682
Attachments: Ex Parte Application to Stay.pdf

Ben,


Attached please find a copy of Plaintiffs' Ex Parte Motion to Stay Enforcement of LAMC Section 46.30, Alternatively, for Temporary Restraining Order and Order to Show Cause.

We are still preparing the tables, but I wanted to go ahead and provide you with an advance copy to accommodate the City as much as possible. We are not making any substantive revisions, and I will provide you a finalized copy of the Application with tables as soon as it is completed.

Declarations, exhibits, and proposed orders to follow.

Thank you,

Clint

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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From: Laura L. Quesada
Sent: Friday, November 06, 2015 3:35 PM
To: Clint B. Monfort
Subject: Application

<p>Laura L. Quesada Legal Secretary/Paralegal</p>	<p>Direct: (562) 216-4473 Main: (562) 216-4444 Fax: (562) 216-4445 Email: LQuesada@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200</p>
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Long Beach, CA 90802

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Clint B. Monfort

From: Clint B. Monfort
Sent: Friday, November 06, 2015 3:46 PM
To: Benjamin.chapman@lacity.org
Subject: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682
Attachments: Paul Wolcott Declaration.PDF; Proposed Order.pdf; Sheriff Bosenko Declaration.PDF; Sheriff D'Agostini Declaration.PDF; Sheriff Haney Declaration.PDF; Sheriff Hencartt Declaration.PDF; Sheriff Jones Declaration.pdf; Sheriff Lopey Declaration.PDF; Sheriff Parker Declaration.PDF; Sheriff Robinson Declaration.pdf; Sheriff Royal Declaration.PDF; Sheriff Standley Declaration.PDF; Sheriff Youngblood Declaration.PDF; Sherrif Downey Declaration.PDF; Steve Dember - CRPA Declaration.PDF; Anna Barvir Declaration.PDF; Chad Cheung Declaration.PDF; James Wiley Declaration.PDF; Jim Rene - CRPOA Declaration.PDF; Julio Bernal Declaration.PDF; Kenneth Takahashi Declaration.PDF; Paul Nordberg Declaration.PDF


Ben,

Attached please find copies of the declarations, exhibits, and proposed order that will be filed in support of Plaintiffs' Ex Parte Application to Stay Enforcement of LAMC Section 46.30, Alternatively, for Temporary Restraining Order and Order to Show Cause.

The only declaration that is not included in this e-mail is my own, which I will provide to you shortly.

Thank you,

Clint

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law</p> <p>Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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Clint B. Monfort


From: Clint B. Monfort
Sent: Friday, November 06, 2015 5:16 PM
To: Benjamin.chapman@lacity.org
Cc: Laura L. Quesada
Subject: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

Ben,

My paralegal, Laura Quesada, will be sending you momentarily a copy of Plaintiffs' Ex Parte Motion to Stay Enforcement of LAMC Section 46.30, Alternatively, for Temporary Restraining Order and Order to Show Cause, which includes the tables, along with a copy of my declaration in support.

Thank you,

Clint

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law</p> <p>Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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EXHIBIT 4

Clint B. Monfort

From: Clint B. Monfort
Sent: Friday, November 06, 2015 3:50 PM
To: Benjamin.chapman@lacity.org
Subject: Sheriff Bosenko v. City of Los Angeles, Case No. BS158682

Ben,

To confirm my earlier correspondence, please take notice that on November 12, 2015, Plaintiffs will be filing and appearing on their Ex Parte Application to Stay Enforcement of LAMC Section 46.30, Alternatively, for Temporary Restraining Order and Order to Show Cause why a preliminary injunction should not issue pending resolution of this litigation.

As discussed during our earlier meet and confer communications, Plaintiffs are seeking ex parte relief and a temporary stay of enforcement of section 46.30, or, alternatively, a temporary restraining order and order to show cause to prevent Plaintiffs from being irreparably harmed by the risk of criminal arrest and prosecution under an unconstitutional and preempted ordinance beginning on November 19, 2015, for continuing to possess their lawfully owned firearm magazines in the city of Los Angeles in their homes, and while traveling into or through the city of Los Angeles, including during the normal course and scope of their regular business practices.

The time and location of the hearing are as follows:


8:30 AM
Stanley Mosk Courthouse, Dept. 85
111 North Hill Street
Los Angeles, CA 90012

Please advise if you will be appearing at the hearing and if you intend to serve a courtesy copy of the City's opposition prior to the hearing. We are happy to accept electronic service.

Please feel free to contact me if you have any questions or concerns.

Thank you,

Clint

<p>Clint B. Monfort Attorney</p>  <p>MICHEL & ASSOCIATES, P.C. Attorneys at Law</p> <p>Environmental - Land Use - Firearms - Employment Law Civil Litigation - Criminal Defense</p>	<p>Direct: (562) 216-4456 Main: (562) 216-4444 Fax: (562) 216-4445 Email: CMonfort@michellawyers.com Web: www.michellawyers.com</p> <p>180 E. Ocean Blvd. Suite 200 Long Beach, CA 90802</p>
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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 6, 2015, I served the foregoing document(s) described as

**DECLARATION OF COUNSEL CLINTON B. MONFORT 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

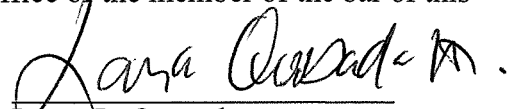
X (**BY MAIL**) As follows: By placing the sealed envelope for collection and mailing. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under the practice it would be deposited with the U.S. Postal Service on that same day with postage thereon 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 6 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 6 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.



Laura L. Quesada