

1 C.D. Michel - S.B.N. 144258
Clinton Monfort - S.B.N. 255609
2 Sean A. Brady - S.B.N. 262007
Anna Barvir - S.B.N. 268728
3 MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
4 Long Beach, California 90802-4709
Phone: (562) 216-4444
5 Fax: (562) 216-4445

6 Attorneys for Plaintiffs/Petitioners
7

CONFORMED COPY
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 STANLEY MOSK COURTHOUSE

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

Case No.: BS158682

**DECLARATION OF PLAINTIFF JAMES WILEY IN
SUPPORT OF EX PARTE APPLICATION TO STAY
ENFORCEMENT OF LAMC SECTION 46.30,
ALTERNATIVELY, FOR TEMPORARY
RESTRAINING ORDER AND ORDER TO SHOW
CAUSE**

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

Action Filed: October 23, 2015

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

3 Plaintiffs and Petitioners,

4 vs.

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

8 Defendants and Respondents

9
10 **DECLARATION OF JAMES WILEY**

11 I, James Wiley, declare as follows:

12 1. I have personal knowledge of the statements made herein, and if called as a witness, I
13 could and would competently testify under oath to the matters that I have set forth in this
14 declaration.

15 2. I am a resident of the city of Los Angeles, California.

16 3. I am a retired Officer of the United States Military.

17 4. I have a valid and current Certificate of Eligibility to possess firearms issued by the
18 California Department of Justice.

19 5. I am a Certified Firearm Instructor, a Law Enforcement Instructor, a California
20 Department of Justice Firearms Safety Instructor, and a certified Range Master.

21 6. I am a law-abiding adult who is not prohibited from owning firearms under the laws of the
22 United States or the state of California. I have never been found by any law enforcement agency,
23 any court, or any other government agency to be irresponsible, unsafe, or negligent with firearms
24 in any manner.

25 7. I lawfully own and possess within my Los Angeles residence ammunition magazines with
26 the capacity to accept more than ten rounds that are prohibited by section 46.30 of the Los
27 Angeles Municipal Code.

28 8. I lawfully possess these magazines under state law while traveling to and from shooting

1 ranges and shooting competitions outside the city of Los Angeles for personal training and
2 marksmanship practice, and also in my capacity as a certified instructor for both civilians and law
3 enforcement.

4 9. I regularly use magazines with capacity to accept more than ten rounds that are prohibited
5 by the City of Los Angeles as part of my regular business practices as a trainer and instructor of
6 individuals and law enforcement officers who lawfully possess, and are authorized to carry,
7 firearms with such magazines.

8 10. In order to use my magazines with capacity to accept more than ten rounds in the course
9 of my normal business practices, I regularly transport my magazines and other training equipment
10 from my home in Los Angeles, California to the Angeles Shooting Range, as well as other
11 locations throughout California.

12 11. I am unable to continue my normal business practice of using magazines with capacity to
13 accept ten rounds without possessing them in the City of Los Angeles.

14 12. Section 46.30 prohibits me from continuing to possess my lawfully-owned magazines
15 with the capacity to accept more than ten rounds in my home on or after November 19, 2015.

16 13. As of November 19, 2015, I will be unable to possess or transport my lawfully owned
17 magazines within the City of Los Angeles for use in the course of my business operations without
18 violating section 46.30 and thus subjecting myself to arrest and criminal prosecution.

19 14. I travel outside California with my lawfully owned magazines with the capacity to accept
20 more than ten rounds that are prohibited by section 46.30.

21 15. In order to travel between my home and locations outside California, I must travel through
22 the City of Los Angeles. I am unable to transport my lawfully owned magazines with capacity to
23 accept more than ten rounds outside California without possessing them in Los Angeles.

24 16. As of November 19, 2015, I will be unable to transport my lawfully owned magazines
25 through the City of Los Angeles to travel in and out of the state of California without violating
26 section 46.30 and thus subjecting myself to arrest and criminal prosecution.

27 17. If I transfer my lawfully-owned magazines with the capacity to accept more than ten
28 rounds, or if I turn them into the Los Angeles Police Department for destruction, I will not be able

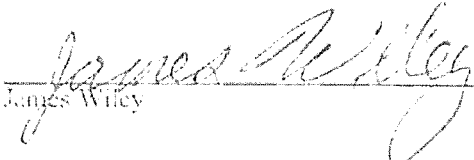
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

to reacquire them.

18. I fear arrest and criminal prosecution if I continue to possess my lawfully owned magazines with capacity to accept more than ten rounds that are prohibited by section 46.30 in the City of Los Angeles on or after September 19, 2015.

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

Executed this 5 day of November, 2015.


James Wiley

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Laura L. Quesada, am employed in the City of Long Beach, Los Angeles County,
5 California. I am over the age eighteen (18) years and am not a party to the within action. My
6 business address is 180 East Ocean Blvd., Suite 200, Long Beach, California 90802.

7 On November 19, 2015, I served the foregoing document(s) described as

8 **DECLARATION OF PLAINTIFF JAMES WILEY IN SUPPORT OF EX PARTE APPLICATION TO STAY
9 ENFORCEMENT OF LAMC SECTION 46.30, ALTERNATIVELY, FOR TEMPORARY RESTRAINING
10 ORDER AND ORDER TO SHOW CAUSE**

11 on the interested parties in this action by placing [] the original [X] a true and correct copy
12 thereof addressed as follows:

13 Mr. Benjamin Chapman
14 Deputy City Attorney
15 200 North Main Street, 9th Floor,
16 Los Angeles, California, 90012
17 Phone: (213) 473-6858
18 E-mail: benjamin.chapman@lacity.org

19 X (**BY MAIL**) As follows: By placing the sealed envelope for collection and mailing. I am
20 "readily familiar" with the firm's practice of collection and processing correspondence for
21 mailing. Under the practice it would be deposited with the U.S. Postal Service on that
22 same day with postage thereon fully prepaid at Long Beach, California, in the ordinary
23 course of business. I am aware that on motion of the party served, service is presumed
24 invalid if postal cancellation date is more than one day after date of deposit for mailing an
25 affidavit. Executed on November 19, 2015, at Long Beach, California.

26 (**VIA OVERNIGHT MAIL**) As follows: I am "readily familiar" with the firm's practice
27 of collection and processing correspondence for overnight delivery by UPS/FED-EX.
28 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 to benjamin.chapman@lacity.org. Said transmission was reported and
completed without error. Executed on November 19, 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.

29 
30 _____
31 Laura L. Quesada