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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

7
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 TEHAMA
COUNTY SHERIFF DAVID HENCRATT 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
4 Plaintiffs and Petitioners,

5 vs.

6 THE CITY OF LOS ANGELES, MAYOR ERIC
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 TEHAMA COUNTY SHERIFF DAVID HENCRATT**

11 I, Sheriff David Hencratt, declare as follows:

- 12 1. I am a plaintiff in the above-entitled action. I make this declaration of my own personal
13 knowledge and, if called as a witness, I could and would testify competently to the truth of the
14 matters set forth herein.
- 15 2. I am a law-abiding adult who is not prohibited from owning firearms under the laws of the
16 United States or the state of California. I have never been found by any law enforcement agency,
17 any court, or any other government agency to be irresponsible, unsafe, or negligent with firearms
18 in any manner.
- 19 3. I am the duly elected sheriff of Tehama County.
- 20 4. I lawfully own and possess ammunition magazines with the capacity to accept more than
21 ten rounds that are prohibited by section 46.30 of the Los Angeles Municipal Code.
- 22 5. Pursuant to California Penal Code sections 25450, 25900, and 32405, I carry firearms
23 with magazines that have the capacity to accept more than ten rounds that are prohibited by
24 section 46.30, both while I am on duty and while I am off duty.
- 25 6. Pursuant to California Penal Code sections 25450, 25900, and 32405, deputy sheriffs for
26 Tehama County also carry firearms with magazines with the capacity to accept more than ten
27 rounds that are prohibited by section 46.30, both while they are on duty and while they are off
28 duty.

1 7. I, along with deputy sheriffs for Tehama County, lawfully carry firearms equipped with
2 magazines capable of holding more than ten rounds that are prohibited by section 46.30 while
3 traveling within California and through the city of Los Angeles while off duty, and do so for
4 lawful purposes, including self-defense and defense of others.

5 8. Pursuant to section 46.30, deputy sheriffs for Tehama County and I are subject to arrest
6 and criminal prosecution for possessing firearms with magazines having capacities over ten
7 rounds while traveling through the city of Los Angeles while off duty on or after November 19,
8 2015.

9 9. I fear arrest and criminal prosecution if I travel into or through Los Angeles while
10 possessing my lawfully-owned magazines with the capacity to hold more than ten rounds while I
11 am off duty, on or after November 19, 2015.


12 10. Pursuant to California Penal Code section 26150, I have issued, and continue to issue,
13 permits allowing qualified residents of Tehama County to carry firearms with magazines with the
14 capacity to accept more than ten rounds that are lawful to possess and carry under state law, but
15 which are prohibited by section 46.30.

16 11. These residents are authorized to carry, throughout California, the firearms that I have
17 approved for them to carry pursuant to permits issued under section 26150 of the California Penal
18 Code, including those firearms with magazines having capacities over then rounds that are
19 prohibited by section 46.30.

20 12. These residents are subject to arrest and prosecution if they travel through the city of Los
21 Angeles on or after November 19, 2015, while carrying firearms with magazines having
22 capacities over ten rounds that they have been authorized to carry pursuant to statewide licenses I
23 have issued under California Penal Code section 26150.

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

26 Executed this 5th day of November, 2015 in RED BLUFF, California.

27 

28 Tehama County Sheriff David Hencratt

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

8 **DECLARATION OF PLAINTIFF TEHAMA COUNTY SHERIFF DAVID HENCRATT IN SUPPORT OF EX
9 PARTE APPLICATION TO STAY ENFORCEMENT OF LAMC SECTION 46.30, ALTERNATIVELY,
10 FOR TEMPORARY RESTRAINING 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

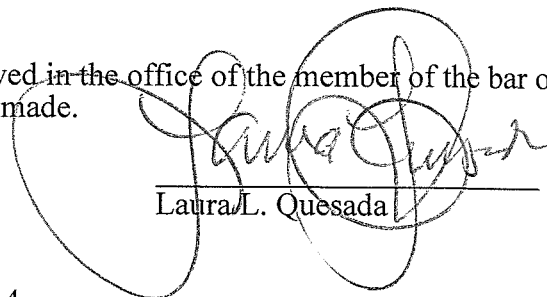
19 X (**BY MAIL**) As follows: By placing the sealed envelope for collection and mailing. I am
20 "readily familiar" with the firm's practice of collection and processing correspondence for
21 mailing. Under the practice it would be deposited with the U.S. Postal Service on that
22 same day with postage 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 5, 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 5, 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