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Exempt from filing fee per
CA Gov. Code § 6103

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13 LOS ANGELES POLICE DEPARTMENT CHIEF
14 CHARLIE BECK

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF LOS ANGELES

17 SHASTA COUNTY SHERIFF THOMAS
18 BOSENKO, et al.,

19 Plaintiffs and Petitioners,

20 vs.

21 THE CITY OF LOS ANGELES; MAYOR
22 ERIC GARCETTI, in his official capacity;
23 LOS ANGELES POLICE DEPARTMENT
24 CHIEF CHARLIE BECK, in his official
25 capacity; and DOES 1 through 10,

26 Defendants and Respondents.

Case No. BS158682

**RESPONDENTS THE CITY OF LOS
ANGELES, MAYOR ERIC GARCETTI, AND
LOS ANGELES POLICE DEPARTMENT
CHIEF CHARLIE BECK'S ANSWER TO
VERIFIED PETITION**

Dept.: D-85

Judge: Hon. James Chalfant

Petition Filed: October 23, 2015

1 Respondents the City of Los Angeles, Mayor Eric Garcetti, and Los Angeles Police
2 Department Chief Charlie Beck (“Respondents”) answer Petitioners verified Petition for Writ of
3 Mandate (“Petition”) as follows:

4 1. Respondents admit that the Ordinance’s effective date is September 19, 2015, and
5 that its enforcement date is November 19, 2015. The remaining allegations contained in paragraph
6 1 are conclusions of law to which no response is required. To the extent a response is deemed
7 required, the allegations are denied.

8 2. The allegations contained in paragraph 2 are conclusions of law to which no
9 response is required. To the extent a response is deemed required, the allegations are denied.

10 3. The allegations contained in paragraph 3 are conclusions of law to which no
11 response is required. To the extent a response is deemed required, the allegations are denied.

12 4. Respondents lack sufficient information and belief with which to admit or deny the
13 allegations contained in paragraph 4 of the Petition, and on that basis, deny each and every
14 allegation contained therein.

15 5. The allegations contained in paragraph 5 are conclusions of law to which no
16 response is required. To the extent a response is deemed required, the allegations are denied.

17 6. The allegations contained in paragraph 6 are conclusions of law to which no
18 response is required. To the extent a response is deemed required, the allegations are denied.

19 7. The allegations contained in paragraph 7 are conclusions of law to which no
20 response is required. To the extent a response is deemed required, the allegations are denied.

21 8. The allegations contained in paragraph 8 are conclusions of law to which no
22 response is required. To the extent a response is deemed required, the allegations are denied.

23 9. Respondents deny each and every allegation in paragraph 9 of the Petition.

24 10. The allegations contained in paragraph 10 are conclusions of law to which no
25 response is required. To the extent a response is deemed required, the allegations are denied.

26 11. The allegations contained in paragraph 11 are conclusions of law to which no
27 response is required. To the extent a response is deemed required, the allegations are denied.
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1 12. The allegations contained in paragraph 12 are conclusions of law to which no
2 response is required. To the extent a response is deemed required, the allegations are denied.

3 13. The allegations contained in paragraph 13 are conclusions of law to which no
4 response is required. To the extent a response is deemed required, the allegations are denied.

5 14. The allegations contained in paragraph 14 are conclusions of law to which no
6 response is required. To the extent a response is deemed required, the allegations are denied.

7 15. The allegations contained in paragraph 15 are conclusions of law to which no
8 response is required. To the extent a response is deemed required, the allegations are denied.

9 16. Respondents admit the allegations contained in paragraph 16 of the Petition.

10 17. Respondents admit the allegations contained in paragraph 17 of the Petition.

11 18. Respondents admit the allegations contained in paragraph 18 of the Petition.

12 19. Respondents admit the allegations contained in paragraph 19 of the Petition.

13 20. Respondents admit the allegations contained in paragraph 20 of the Petition.

14 21. Respondents admit the allegations contained in paragraph 21 of the Petition.

15 22. Respondents admit the allegations contained in paragraph 22 of the Petition.

16 23. Respondents admit the allegations contained in paragraph 23 of the Petition.

17 24. Respondents admit the allegations contained in paragraph 24 of the Petition.

18 25. Respondents admit the allegations contained in paragraph 25 of the Petition.

19 26. Respondents admit the allegations contained in paragraph 26 of the Petition.

20 27. Respondents admit the allegations contained in paragraph 27 of the Petition.

21 28. Respondents admit the allegations contained in paragraph 28 of the Petition.

22 29. Respondents admit the allegations contained in paragraph 29 of the Petition.

23 30. Respondents admit the allegations contained in paragraph 30 of the Petition.

24 31. Respondents admit the allegations contained in paragraph 31 of the Petition.

25 32. Respondents admit the allegations contained in paragraph 32 of the Petition.

26 33. Respondents admit the allegations contained in paragraph 33 of the Petition.

27 34. Respondents admit the allegations contained in paragraph 34 of the Petition.

28 35. Respondents admit the allegations contained in paragraph 35 of the Petition.

- 1 36. Respondents admit the allegations contained in paragraph 36 of the Petition.
- 2 37. Respondents admit the allegations contained in paragraph 37 of the Petition.
- 3 38. Respondents admit the allegations contained in paragraph 38 of the Petition.
- 4 39. Respondents admit the allegations contained in paragraph 39 of the Petition.
- 5 40. Respondents admit the allegations contained in paragraph 40 of the Petition.
- 6 41. Respondents admit the allegations contained in paragraph 41 of the Petition.
- 7 42. Respondents admit the allegations contained in paragraph 42 of the Petition.
- 8 43. Respondents admit the allegations contained in paragraph 43 of the Petition.
- 9 44. Respondents admit the allegations contained in paragraph 44 of the Petition.
- 10 45. Respondents admit the allegations contained in paragraph 45 of the Petition.
- 11 46. No response is required.
- 12 47. Respondents lack sufficient information and belief with which to admit or deny the
13 allegations contained in the first, third, fourth, and sixth sentences of paragraph 47 of the Petition,
14 and on that basis, deny each and every allegation contained therein. The allegations contained in
15 the second and seventh sentences of paragraph 47 are conclusions of law to which no response is
16 required. To the extent a response is deemed required, the allegations are denied. Respondents
17 deny the allegations contained in the fifth and eighth sentences of paragraph 47 of the Petition.
- 18 48. Respondents lack sufficient information and belief with which to admit or deny the
19 allegations contained in the first, second, third, and fourth sentences of paragraph 48 of the Petition,
20 and on that basis, deny each and every allegation contained therein. Respondents admit the
21 allegations contained in the last sentence of paragraph 48 of the Petition.
- 22 49. Respondents lack sufficient information and belief with which to admit or deny the
23 allegations contained in the first, second, third, fourth, fifth, sixth, and seventh sentences of
24 paragraph 49 of the Petition, and on that basis, deny each and every allegation contained therein.
25 Respondents admit the allegations contained in the last sentence of paragraph 49 of the Petition.
- 26 50. Respondents lack sufficient information and belief with which to admit or deny the
27 allegations contained in the first, second, third, fourth, fifth, and sixth sentences of paragraph 50 of
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1 the Petition, and on that basis, deny each and every allegation contained therein. Respondents
2 admit the allegations contained in the last sentence of paragraph 50 of the Petition.

3 51. Respondents lack sufficient information and belief with which to admit or deny the
4 allegations contained in the first, second, third, fourth, and fifth sentences of paragraph 51 of the
5 Petition, and on that basis, deny each and every allegation contained therein. Respondents deny
6 the allegations contained in the sixth sentence of paragraph 51 of the Petition. Respondents admit
7 the allegations contained in the last sentence of paragraph 51 of the Petition.

8 52. Respondents lack sufficient information and belief with which to admit or deny the
9 allegations contained in the first and second sentences of paragraph 52 of the Petition, and on that
10 basis, deny each and every allegation contained therein. Respondents deny the allegations
11 contained in the third sentence of paragraph 52 of the Petition. Respondents admit the allegations
12 contained in the last sentence of paragraph 52 of the Petition.

13 53. Respondents lack sufficient information and belief with which to admit or deny the
14 allegations contained in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth
15 sentences of paragraph 53 of the Petition, and on that basis, deny each and every allegation
16 contained therein. Respondents admit the allegations contained in the last sentence of paragraph
17 53 of the Petition.

18 54. Respondents lack sufficient information and belief with which to admit or deny the
19 allegations contained in the first, second, third, fourth, fifth, and sixth sentences of paragraph 54 of
20 the Petition, and on that basis, deny each and every allegation contained therein. The allegations
21 contained in the seventh, eighth, and ninth sentences of paragraph 54 are conclusions of law to
22 which no response is required. To the extent a response is deemed required, the allegations are
23 denied.

24 55. Respondents lack sufficient information and belief with which to admit or deny
25 the allegations contained in the first, second, third, fourth, fifth, and sixth sentences of paragraph
26 55 of the Petition, and on that basis, deny each and every allegation contained therein. The
27 allegations contained in the seventh, eighth, and ninth sentences of paragraph 55 are conclusions
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1 of law to which no response is required. To the extent a response is deemed required, the allegations
2 are denied.

3 56. Respondents lack sufficient information and belief with which to admit or deny the
4 allegations contained in the first, second, third, fourth, fifth, and sixth sentences of paragraph 56 of
5 the Petition, and on that basis, deny each and every allegation contained therein. The allegations
6 contained in the seventh and eighth sentences of paragraph 56 are conclusions of law to which no
7 response is required. To the extent a response is deemed required, the allegations are denied.

8 57. The allegations contained in paragraph 57 are conclusions of law to which no
9 response is required. To the extent a response is deemed required, the allegations are denied.

10 58. The allegations contained in paragraph 58 are conclusions of law to which no
11 response is required. To the extent a response is deemed required, the allegations are denied.

12 59. Respondents admit the allegations contained in paragraph 59 of the Petition.

13 60. Respondents admit that defendant Eric Garcetti is the mayor of Los Angeles and
14 that he signed the ordinance prohibiting the possession of large-capacity magazines. Respondents
15 deny the remaining allegations contained in paragraph 60 of the Petition.

16 61. Respondents admit the allegations contained in paragraph 61 of the Petition.

17 62. No response is required.

18 63. No response is required.

19 64. The allegations contained in paragraph 64 are conclusions of law to which no
20 response is required.

21 65. The allegations contained in paragraph 65 are conclusions of law to which no
22 response is required.

23 66. The allegations contained in paragraph 66 are conclusions of law to which no
24 response is required. The cited Article of the Constitution is the best evidence of its contents.

25 67. The allegations contained in paragraph 67 are conclusions of law to which no
26 response is required. The cited Government Code section is the best evidence of its contents.

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1 68. Respondents allege that the statutes cited in paragraph 68 of the Petition speak for
2 themselves, and, thus, no response is required to the extent they call for a legal conclusion.
3 Respondents deny the remaining allegations contained in paragraph 68 of the Petition.

4 69. The allegations contained in paragraph 69 are conclusions of law to which no
5 response is required. To the extent a response is deemed required, the allegations are denied.

6 70. The allegations contained in paragraph 70 are conclusions of law to which no
7 response is required. To the extent a response is deemed required, the allegations are denied.

8 71. The allegations contained in paragraph 71 are conclusions of law to which no
9 response is required. The cited Penal Code section is the best evidence of its contents.

10 72. Respondents lack sufficient information and belief with which to admit or deny the
11 allegations contained in paragraph 72 of the Petition, and on that basis, deny each and every
12 allegation contained therein.

13 73. Respondents admit that on or about January 15, 2013, City Councilmember Paul
14 Krekorian presented a motion. The motion itself is the best evidence of its contents. Respondents
15 deny the remaining allegations contained in paragraph 73 of the Petition.

16 74. Respondents admit that on or about March 4, 2013, the Los Angeles City Attorney's
17 office submitted a report and draft ordinance regarding "Draft Ordinance Regarding Large-
18 Capacity Ammunition Magazines." The report and draft ordinance themselves are the best
19 evidence of their contents. Respondents deny the remaining allegations contained in paragraph 74
20 of the Petition.

21 75. Respondents admit that on or about April 26, 2013, the Public Safety Committee
22 requested that the Los Angeles City Attorney's office prepare a revised draft ordinance to (1) make
23 the possession of a large-capacity magazine a misdemeanor one year after the effective date of the
24 ordinance, and (2) provide an operative date 60 days after the effective date of the ordinance to
25 allow persons time to legally surrender their large-capacity magazines. Exhibit B itself is the best
26 evidence of the contents of this request. Respondents deny the remaining allegations contained in
27 paragraph 75 of the Petition.
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1 76. Respondents admit that on or about May 2, 2013, the Los Angeles City Attorney's
2 office submitted a revised draft ordinance regarding "Draft Ordinance Regarding Large-Capacity
3 Ammunition Magazines" (Exhibit B). Exhibit B itself is the best evidence of its contents.
4 Respondents deny the remaining allegations contained in paragraph 76 of the Petition.

5 77. Respondents admit that on or about June 26, 2014, the Los Angeles City Attorney's
6 office submitted a revised draft ordinance (Exhibit C). Exhibit C itself is the best evidence of its
7 contents. Respondents deny the remaining allegations contained in paragraph 77 of the Petition.

8 78. Respondents admit that Exhibit C says what it is quoted in paragraph 78 of the
9 Petition. Exhibit C itself is the best evidence of its contents. Respondents deny the remaining
10 allegations contained in paragraph 78 of the Petition.

11 79. Respondents lack sufficient information and belief with which to admit or deny the
12 allegations related to the Northern California ordinances, and on that basis, denies those allegations
13 in paragraph 79 of the Petition. As to the contents of Exhibit C, the document speaks for itself.
14 Respondents deny the remaining allegations contained in paragraph 79 of the Petition.

15 80. Respondents admit that the Public Safety Committee met on June 27, 2014, and that
16 the Committee continued its consideration of an ordinance prohibiting large-capacity magazines
17 for 30 days. Respondents deny the remaining allegations contained in paragraph 80 of the Petition.

18 81. Respondents admit that on June 30, 2015, Councilman Paul Krekorian submitted a
19 motion that the draft ordinance related to the possession of high-capacity ammunition magazines
20 be withdrawn from committee and placed before the City Council for consideration. Respondents
21 deny the remaining allegations contained in paragraph 81 of the Petition.

22 82. Respondents admit the allegations contained in paragraph 82 of the Petition.

23 83. Respondents admit the allegations contained in paragraph 83 of the Petition.

24 84. The allegations contained in paragraph 84 are conclusions of law to which no
25 response is required.

26 85. The allegations contained in paragraph 85 are conclusions of law to which no
27 response is required.
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1 86. The allegations contained in paragraph 86 are conclusions of law to which no
2 response is required.

3 87. The allegations contained in paragraph 87 are conclusions of law to which no
4 response is required. To the extent a response is deemed required, the allegations are denied.

5 88. The allegations contained in paragraph 88 are conclusions of law to which no
6 response is required.

7 89. The allegations contained in paragraph 89 are conclusions of law to which no
8 response is required.

9 90. The allegations contained in paragraph 90 are conclusions of law to which no
10 response is required. To the extent a response is deemed required, the allegations are denied.

11 91. The allegations contained in paragraph 91 are conclusions of law to which no
12 response is required.

13 92. The allegations contained in paragraph 92 are conclusions of law to which no
14 response is required.

15 93. The allegations contained in paragraph 93 are conclusions of law to which no
16 response is required.

17 94. The allegations contained in paragraph 94 are conclusions of law to which no
18 response is required. To the extent a response is deemed required, the allegations are denied.

19 95. The allegations contained in paragraph 95 are conclusions of law to which no
20 response is required.

21 96. The allegations contained in paragraph 96 are conclusions of law to which no
22 response is required. To the extent a response is deemed required, the allegations are denied.

23 97. The allegations contained in paragraph 97 are conclusions of law to which no
24 response is required. To the extent a response is deemed required, the allegations are denied.

25 98. The allegations contained in paragraph 98 are conclusions of law to which no
26 response is required. To the extent a response is deemed required, the allegations are denied.

27 99. The allegations contained in paragraph 99 are conclusions of law to which no
28 response is required. To the extent a response is deemed required, the allegations are denied.

1 100. The allegations contained in paragraph 100 are conclusions of law to which no
2 response is required. To the extent a response is deemed required, the allegations are denied.

3 101. The allegations contained in paragraph 101 are conclusions of law to which no
4 response is required. To the extent a response is deemed required, the allegations are denied.

5 102. The allegations contained in paragraph 102 are conclusions of law to which no
6 response is required. To the extent a response is deemed required, the allegations are denied.

7 103. The allegations contained in paragraph 103 are conclusions of law to which no
8 response is required. To the extent a response is deemed required, the allegations are denied.

9 104. The allegations contained in paragraph 104 are conclusions of law to which no
10 response is required. To the extent a response is deemed required, the allegations are denied.

11 105. The allegations contained in paragraph 105 are conclusions of law to which no
12 response is required. To the extent a response is deemed required, the allegations are denied.

13 106. The allegations contained in paragraph 106 are conclusions of law to which no
14 response is required. To the extent a response is deemed required, the allegations are denied.

15 107. The allegations contained in paragraph 107 are conclusions of law to which no
16 response is required. To the extent a response is deemed required, the allegations are denied.

17 108. The allegations contained in paragraph 108 are conclusions of law to which no
18 response is required. To the extent a response is deemed required, the allegations are denied.

19 109. The allegations contained in paragraph 109 are conclusions of law to which no
20 response is required. To the extent a response is deemed required, the allegations are denied.

21 110. The allegations contained in paragraph 110 are conclusions of law to which no
22 response is required. To the extent a response is deemed required, the allegations are denied.

23 111. Respondents lack sufficient information and belief with which to admit or deny the
24 allegations related to the residences of Petitioners in paragraph 111 of the Petition, and on that
25 basis, denies each and every allegation related thereto. The remaining allegations contained in
26 paragraph 111 are conclusions of law to which no response is required. To the extent a response is
27 deemed required, the allegations are denied.
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FIRST SEPARATE AND ADDITIONAL DEFENSE

(Failure to State a Claim)

1. The Petition and each and every cause of action alleged therein fails to state facts sufficient to constitute a cause of action.

SECOND SEPARATE AND ADDITIONAL DEFENSE

(No Entitlement to Attorneys' Fees)

2. The Petition fails to set forth any facts that would constitute the basis for an award of attorneys' fees against Respondents.

THIRD SEPARATE AND ADDITIONAL DEFENSE

(Laches)

3. The Petition and each and every cause of action alleged therein is barred in whole or in part by the doctrine of laches.

FOURTH SEPARATE AND ADDITIONAL DEFENSE

(Standing)

4. Certain Petitioners lack standing to bring the claims asserted in the Petition.

FIFTH SEPARATE AND ADDITIONAL DEFENSE

(Failure to Verify)

5. The claims of the majority of Petitioners are barred by their failure to properly verify the factual allegations stated in the Petition.

SIXTH SEPARATE AND ADDITIONAL DEFENSE

(Good Faith)

6. At all relevant times, Respondents acted in good faith.

SEVENTH SEPARATE AND ADDITIONAL DEFENSE

(No Preemption)

7. The Petition and each and every cause of action alleged therein is barred in whole or in part because the Ordinance is not preempted by state law.

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EIGHTH SEPARATE AND ADDITIONAL DEFENSE

(Compliance With the Law)

8. The Petition and each and every cause of action alleged herein is barred in whole or in part because Respondents acted in full compliance with all relevant federal, state, and local laws.

NINTH SEPARATE AND ADDITIONAL DEFENSE

(Additional Defenses)

9. Respondents have insufficient knowledge and information on which to form a belief as to whether additional, unstated defenses are available. Thus, Respondents hereby reserve their right to seek leave to amend this Answer to set forth additional defenses based on their ongoing investigation and discovery into the matters alleged in the Petition.

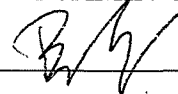
PRAYER FOR RELIEF

WHEREFORE, Respondents pray for judgment as follows:

- 1. That Petitioners take nothing by this Petition and that the Petition be dismissed;
- 2. That judgment be entered against Petitioners and in Respondents' favor;
- 3. That Respondents be awarded their reasonable attorneys' fees and costs of suit incurred herein; and
- 4. For such other and further relief as the Court deems just and proper.

Dated: December 7, 2015

OFFICE OF THE CITY ATTORNEY OF LOS ANGELES
MICHAEL N. FEUER
JAMES P. CLARK
THOMAS H. PETERS
BENJAMIN CHAPMAN



BENJAMIN CHAPMAN

Attorneys for Respondents City of Los Angeles, Mayor Eric Garcetti, and Los Angeles Police Department Chief Charlie Beck

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 200 No. Main Street, Room 916, Los Angeles, CA 90012.

On December 7, 2015, I served the foregoing documents:

Respondents the City of Los Angeles, Mayor Eric Garcetti, and Los Angeles Police Department Chief Charlie Beck's Answer to Verified Petition

on the interested parties in this action by placing the true copies thereof enclosed in sealed envelope(s) addressed as follows:

Clint Monfort
Michel & Associates, P.C.
180 E. Ocean Blvd.
Suite 200
Long Beach, CA 90802

BY MAIL – I am readily familiar with the practice of the Los Angeles City Attorney's Office for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence is deposited with the United States Postal Service the same day it is placed for collection and mailing. On the date referenced above, I placed a true copy of the above documents(s) in a sealed envelope and placed it for collection in the proper place in our office at Los Angeles, California.

BY FACSIMILE TRANSMISSION: I transmitted the documents(s) to the offices of the addressee(s) via facsimile transmission at the fax numbers(s) indicated above.


BY ELECTRONIC MAIL: I transmitted the document(s) to the addressee(s) via electronic mail.

BY PERSONAL SERVICE: I placed a true copy of the above document(s) in a sealed envelope for delivery via messenger by Los Angeles City Attorney's Document Services, 200 No. Main Street, 8th Floor, City Hall East, Los Angeles, CA 90012.

BY OVERNIGHT DELIVERY: I served the documents by placing them in an envelope or package addressed to the persons listed above and providing them to UPS Courier for delivery.

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

Dated: December 7, 2015



Ava Smith, Declarant