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10 CITY OF LOS ANGELES, MAYOR ERIC GARCETTI, and  
11 LOS ANGELES POLICE DEPARTMENT CHIEF  
12 CHARLIE BECK

13  
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF LOS ANGELES**

16 SHASTA COUNTY SHERIFF THOMAS  
17 BOSENKO, et al.,  
18  
19 Plaintiffs and Petitioners,

20 vs.

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

26 Defendants and Respondents.

Case No. BS158682

Honorable James C. Chalfant

**DEFENDANTS CITY OF LOS ANGELES,  
MAYOR ERIC GARCETTI, AND LOS  
ANGELES POLICE DEPARTMENT  
CHIEF CHARLIE BECK'S OBJECTIONS  
TO EVIDENCE SUBMITTED BY  
PLAINTIFFS IN SUPPORT OF THEIR EX  
PARTE APPLICATION FOR A STAY OF  
ENFORCEMENT**

Date: November 12, 2015

Time: 8:30 a.m.

Dept.: D-85

Complaint Filed: October 23, 2015

Trial Date: Not yet set

Exempt from Filing Fee Per  
CA Gov. Code § 6103

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Defendants The City of Los Angeles, Mayor Eric Garcetti, and Los Angeles Police Department  
3 Chief Charlie Beck (collectively, the “City”) submit the following objections to evidence cited by  
4 Plaintiffs support of their Ex Parte Application (“Application”) to stay enforcement of Los Angeles  
5 Municipal Code section 46.30 (the “Ordinance”):

6 **DECLARATION OF JIM RENE**

7 Lacks Foundation: The City objects to the entire declaration of Jim Rene, General Counsel for  
8 the California Reserve Peace Officers Association (the “CRPOA”), because it lacks foundation and is  
9 insufficient to constitute evidence. Rene simply opines that CRPOA members possess large-capacity  
10 magazines, that they routinely travel with them through Los Angeles, and that they “fear arrest and  
11 criminal prosecution,” among other things, without laying any foundation as to how he knows this  
12 information. The best evidence for such information is a declaration from an actual CRPOA member  
13 that possesses a large-capacity magazine. Instead, Rene has provided a declaration that opines on the  
14 actions and thoughts of other people. Rene himself does not even claim to own a large-capacity  
15 magazine. Accordingly, Rene’s declaration lacks foundation.

16 **Court’s Ruling on Defendant’s General Objection to the Entire Declaration of Jim**

17 **Rene:**

18 Sustained: \_\_\_\_\_

19 Overruled: \_\_\_\_\_

20  
21 **Objection No. 1:**

22 “CRPOA members residing in Los Angeles, California possess magazines with capacities over  
23 ten rounds that are prohibited by Los Angeles Municipal Code section 46.30 within their homes, both  
24 while they are off duty and while they are not on active duty.” Rene Decl., ¶ 4.

25 Grounds for objection: Lacks foundation (Evid. Code, § 403).

26 Court’s Ruling on Objection 1: Sustained: \_\_\_\_\_

27 Overruled: \_\_\_\_\_

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**Objection No. 2:**

“CRPOA members ... carry firearms with magazines capable of holding more than ten rounds while traveling within California and into the city of Los Angeles while they are inactive and while they are off duty.” Rene Decl., ¶ 6.

Grounds for objection: Lacks foundation (Evid. Code, § 403).

Court’s Ruling on Objection 2: Sustained: \_\_\_\_\_

Overruled: \_\_\_\_\_

**Objection No. 3:**

“CRPOA members travel outside California with their lawfully owned magazines with the capacity to accept more than ten rounds....” Rene Decl., ¶ 9.

Grounds for objection: Lacks foundation (Evid. Code, § 403).

Court’s Ruling on Objection 3: Sustained: \_\_\_\_\_

Overruled: \_\_\_\_\_

**Objection No. 4:**

“In order to travel outside California, many CPROA members must travel through the City of Los Angeles.” Rene Decl., ¶ 10.

Grounds for objection: Lacks foundation (Evid. Code, § 403). Speculation (Evid. Code, § 210).

Court’s Ruling on Objection 4: Sustained: \_\_\_\_\_

Overruled: \_\_\_\_\_

**Objection No. 5:**

“CRPOA members residing in the City of Los Angeles fear arrest and criminal prosecution under section 46.30 for possessing ... magazines with the capacity to accept more than ten rounds in their homes on or after November 19, 2015.” Rene Decl., ¶ 12.

Grounds for objection: Lacks foundation (Evid. Code, § 403).

Court’s Ruling on Objection 5: Sustained: \_\_\_\_\_

Overruled: \_\_\_\_\_

1 **Objection No. 6:**

2 “CRPOA members residing in Los Angeles store their firearm magazines with capacities  
3 greater than ten rounds in their homes as part of their normal business practices while they are off  
4 duty...” Rene Decl., ¶ 13.

5 Grounds for objection: Lacks foundation (Evid. Code, § 403).

6 Court’s Ruling on Objection 6: Sustained: \_\_\_\_\_

7 Overruled: \_\_\_\_\_

8 **Objection No. 7:**

9 “CRPOA members who live outside the city of Los Angeles fear arrest and criminal prosecution  
10 under section 46.30 for traveling into or through Los Angeles while in possession of their their [sic]  
11 lawfully owned magazines with the capacity to accept more than ten rounds on or after November 19,  
12 2015.” Rene Decl., ¶ 15.

13 Grounds for objection: Lacks foundation (Evid. Code, § 403).

14 Court’s Ruling on Objection 7: Sustained: \_\_\_\_\_

15 Overruled: \_\_\_\_\_

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18 **DECLARATION OF STEVEN DEMBER**

19 Lacks Foundation: The City objects to the entire declaration of Steven Dember, Treasurer of  
20 the California Rifle and Pistol Association (the “CRPA”), because it lacks foundation and is  
21 insufficient to constitute evidence. Like Rene, Dember simply opines that CRPA members possess  
22 large-capacity magazines, that they routinely travel with them through Los Angeles, and that they “fear  
23 arrest and criminal prosecution,” among other things, without laying any foundation as to how he  
24 knows this information. The best evidence for such information is a declaration from an actual CRPA  
25 member that possesses a large-capacity magazine. Instead, Dember has provided a declaration that  
26 opines on the actions and thoughts of other people. Dember himself does not even claim to own a  
27 large-capacity magazine. Accordingly, Dember’s declaration it lacks foundation.



1 **Objection No. 11:**

2 “CRPA members travel outside California with their lawfully owned magazines with the  
3 capacity to accept more than ten rounds that are prohibited by section 46.30.” Dember Decl., ¶ 11.

4 Grounds for objection: Lacks foundation (Evid. Code, § 403). Speculation (Evid. Code,  
5 § 210).

6 Court’s Ruling on Objection 11: Sustained: \_\_\_\_\_

7 Overruled: \_\_\_\_\_

8 **Objection No. 12:**

9 “In order to travel outside California, CRPA members must travel through the City of Los  
10 Angeles. CRPA members are unable to transport their lawfully owned magazines with capacity to  
11 accept more than ten rounds outside California without traveling through Los Angeles.” Dember Decl.,  
12 ¶ 12.

13 Grounds for objection: Lacks foundation (Evid. Code, § 403). Speculation (Evid. Code,  
14 § 210).

15 Court’s Ruling on Objection 12: Sustained: \_\_\_\_\_

16 Overruled: \_\_\_\_\_

17 **Objection No. 13:**

18 “CRPA members residing in areas of California that are surrounded by the City of Los Angeles  
19 are in possession of magazines with the capacity to hold more than ten rounds. These members ... are  
20 thus unable to travel between their homes and destination [sic] inside and outside California without  
21 traveling through the City of Los Angeles.... Dember Decl., ¶ 17.

22 Grounds for objection: Lacks foundation (Evid. Code, § 403). Speculation (Evid. Code,  
23 § 210).

24 Court’s Ruling on Objection 13: Sustained: \_\_\_\_\_

25 Overruled: \_\_\_\_\_

1 **Objection No. 14:**

2 “CRPA members fear arrest and criminal prosecution under section 46.30 for possessing ...  
3 magazines with the capacity to accept more than ten rounds in the city of Los Angeles on or after  
4 November 19, 2015. Dember Decl., ¶ 19.

5 Grounds for objection: Lacks foundation (Evid. Code, § 403). Speculation (Evid. Code,  
6 § 210).

7 Court’s Ruling on Objection 14: Sustained: \_\_\_\_\_

8 Overruled: \_\_\_\_\_

9 **DECLARATION OF ANNA BARVIR**

10 **Objection No. 15:**

11 The City objects to Exhibit 10 to the Barvir Declaration. It is an article from www.guns.com.  
12 Barvir Decl., ¶ 19.

13 Grounds for objection: Plaintiffs cite a quotation from an article from www.guns.com, wherein  
14 City Councilmember Paul Krekorian allegedly stated: “These magazines may not be the cause of gun  
15 violence, but when shooters use them, tragedies turn into massacres.” Plaintiffs have cited this quote in  
16 their brief as proof that “magazines are not ‘the cause’ of the City’s violent crime problem.”  
17 (Application at 15:6-7.) Accordingly, Plaintiffs attempt to use an out of court statement “to prove the  
18 truth of the matter stated.” This is hearsay. (Evid. Code, §1200.)

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20 Court’s Ruling on Objection 15: Sustained: \_\_\_\_\_

21 Overruled: \_\_\_\_\_


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23 DATED: \_\_\_\_\_

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The Honorable James C. Chalfant  
Superior Court Judge

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DATED: November 12, 2015

LOS ANGELES CITY ATTORNEY

By:  \_\_\_\_\_

BENJAMIN CHAPMAN, Deputy City Attorney



**PROOF OF SERVICE**

1  
2 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and  
3 not a party to the within action. My business address is 200 No. Main Street, Room 916, Los Angeles,  
4 CA 90012.

5 On November 10, 2015, I served the foregoing documents:

6 **DEFENDANTS CITY OF LOS ANGELES, MAYOR ERIC GARCETTI, AND LOS**  
7 **ANGELES POLICE DEPARTMENT CHIEF CHARLIE BECK'S OBJECTIONS TO**  
8 **EVIDENCE SUBMITTED BY PLAINTIFFS IN SUPPORT OF THEIR EX PARTE**  
9 **APPLICATION FOR A STAY OF ENFORCEMENT**

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

12 Clint Monfort  
13 Michel & Associates, P.C.  
14 180 E. Ocean Blvd.  
15 Suite 200  
16 Long Beach, CA 90802

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

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

25  **BY ELECTRONIC MAIL:** I transmitted the document(s) to the addressee(s) via electronic  
26 mail to the following address: CMonfort@michellawyers.com.

27  **BY PERSONAL SERVICE:** I placed a true copy of the above document(s) in a sealed  
28 envelope for delivery via messenger by Los Angeles City Attorney's Document Services, 200  
No. Main Street, 8<sup>th</sup> 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: November 10, 2015

  
\_\_\_\_\_  
Benjamin Chapman, Declarant