

C.D. Michel – SBN 144258  
Email: cmichel@michellawyers.com  
Joshua R. Dale – SBN 209942  
Sean A. Brady – SBN 262007  
Anna M. Barvir – SBN 268728  
MICHEL & ASSOCIATES, P.C.  
180 E. Ocean Blvd., Suite 200  
Long Beach, CA 90802  
Telephone: (562) 216-4444  
Facsimile: (562) 216-4445

Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

MICHELLE FLANAGAN, et al.,

Plaintiffs,

v.

CALIFORNIA ATTORNEY  
GENERAL XAVIER BECERRA, in his  
official capacity as Attorney General of  
the State of California, et al.,

Defendants.

Case No: 2:16-cv-06164-JAK-AS

**DECLARATION OF MICHELLE  
FLANAGAN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT**

Judge: John A. Kronstadt  
Hearing Date: November 6, 2017  
Hearing Time: 8:30 AM  
Courtroom: 10B

Action Filed: August 17, 2016  
Trial Date: February 6, 2018

**DECLARATION OF MICHELLE FLANAGAN**

1  
2 1. I, Michelle Flanagan, am a plaintiff in the above-entitled action. I make this  
3 declaration of my own personal knowledge and, if called as a witness, I could and  
4 would testify competently to the truth of the matters set forth herein.

5 2. I am over the age of 21 and a current resident of Los Angeles County,  
6 California, where I am employed as a realtor.

7 3. I satisfy all applicable requirements to possess a firearm under state and  
8 federal law and currently own a handgun.

9 4. I am not prohibited from owning firearms under the laws of the United  
10 States or the state of California. I have never been found by any law enforcement  
11 agency, any court, or any other government agency to be irresponsible, unsafe, or  
12 negligent with firearms in any manner.

13 5. I have two licenses to carry a firearm issued by the states of Arizona and  
14 Utah. Between these two licenses, I am authorized to carry a firearm in thirty-five  
15 states, not including California.

16 6. Before moving to Los Angeles, I maintained a license to carry a firearm for  
17 four years that was issued by the Kern County Sheriff under California Penal Code  
18 section 26150.

19 7. After moving to Los Angeles County, I applied for a Carry License with the  
20 Los Angeles County Sheriff James McDonnell on or about July 30, 2015, using the  
21 California Department of Justice's standard application form that the Sheriff's  
22 Department provided me. I asserted as my "good cause" for a license the fact that my  
23 job duties require me to enter vacant industrial buildings alone to show properties and  
24 perform inspections, where I frequently meet individuals for the first time and I  
25 encounter vagrant men who are often much larger than me, and would like to protect  
26 myself.

27 8. Sheriff McDonnell denied my application for lack of "good cause." A true  
28 and correct copy of the denial letter is attached hereto as Exhibit 1.

1       9. I do not currently qualify for any of the exceptions to California's carry  
2 restrictions that would allow me to carry a firearm outside my home for self-defense  
3 in some manner.

4       10. I fear that if I am attacked, I will not be able to protect myself, because I  
5 cannot lawfully carry a firearm outside my home in any manner.

6       11. I wish to immediately exercise my constitutional right to carry a firearm in  
7 public for self-defense, but I am precluded from doing so because I am unable to  
8 obtain a license to carry a firearm and California generally prohibits me from  
9 carrying a firearm in any manner, openly or concealed, without such a license.

10       12. But for California's comprehensive restrictions on the public carriage of  
11 firearms and my inability to obtain a Carry License, I would lawfully carry a firearm  
12 in non-sensitive public places for self-defense, but I refrain from doing so for fear of  
13 liabilities for violating one or more of California's laws that criminalize my doing so.

14       13. I am thus completely barred from exercising my right to bear arms for self-  
15 defense without risking criminal prosecution.

16       I declare under penalty of perjury that the foregoing is true and correct.

17 Executed within the United States on September 11, 2017.

18  
19  
20  


21 \_\_\_\_\_  
22 Michelle Flanagan  
23 Declarant  
24  
25  
26  
27  
28

# **EXHIBIT 1**



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



October 13, 2015

Ms. Michelle M. Flanagan

[REDACTED]  
Lancaster, California 93536

Dear Ms. Flanagan:

We have received and reviewed your application for a concealed weapon license. The circumstances, as outlined in the application, do not satisfy the requirements for the existence of good cause and we must, pursuant to our policy, deny your request.

Our stated policy as to what constitutes good cause for the issuance of a permit is stated below for your information:

".....specifically state under the section entitled "Qualifications for a CCW License" those circumstances which present convincing evidence of a clear and present danger to life, or of great bodily harm to the applicant, his/her spouse, or dependent child, which cannot be adequately dealt with by existing law enforcement resources and which danger cannot be reasonably avoided by alternative measures, and which danger would be significantly mitigated by applicant's carrying of a concealed firearm."

Typically, the verbiage "convincing evidence of a clear and present danger...." refers to a current situation which involves a specific person(s) who has threatened an individual and who has displayed a pattern of behavior which would suggest that the threat(s) could be carried out. Situations which would suggest only a potential danger to one's safety, (e.g. carrying large amounts of money to the bank, profession/job, working late hours in a high crime rate area, etc.) are not consistent with the criteria for issuance of a concealed weapon license.

If your circumstances change, please feel free to submit a new application. For further questions, please contact my Executive Aide Lieutenant, at (213) 229-3070.

Sincerely,

JIM McDONNELL, SHERIFF

A blue ink signature of Todd S. Rogers, written in a cursive style.

TODD S. ROGERS  
ASSISTANT SHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

Exhibit 1

PMF00021

**CERTIFICATE OF SERVICE**

IN THE UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

Case Name: *Flanagan, et al. v. California Attorney General Xavier Becerra, et al.*  
Case No.: 2:16-cv-06164-JAK-AS

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**DECLARATION OF MICHELLE FLANAGAN IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Xavier Becerra, Attorney General of California	<i>Attorneys for Attorney</i>
P. Patty Li, Deputy Attorney General	<i>General of the State of</i>
E-mail: Patty.Li@doj.ca.gov	<i>California</i>
Jonathan M. Eisenberg, Deputy Attorney General	
E-mail: Jonathan.Eisenberg@doj.ca.gov	
300 South Spring Street, Suite 1702	
Los Angeles, CA 90013	

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

Executed September 11, 2017

/s/Laura Palmerin  
Laura Palmerin