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7

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

11 MICHELLE FLANAGAN, et al.,

12 Plaintiffs,

13 v.  
14

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

17 Defendants.  
18

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

**DECLARATION OF DOMINIC  
NARDONE 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 DOMINIC NARDONE**

1  
2 1. I, Dominic Nardone, 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.

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 am a Vietnam veteran and have served in the U.S. Navy as a diver and a  
14 shooting instructor in small arms.

15 6. I applied with Los Angeles County Sheriff James McDonnell for a Carry  
16 License on March 28, 2014, using the California Department of Justice's standard  
17 application form that the Sheriff's Department provided me. I asserted as my "good  
18 cause," a desire to defend myself and my family.

19 7. On May 14, 2015, Sheriff McDonnell denied my application for lack of  
20 "good cause" because, according to him, I did not face a significant enough threat to  
21 warrant a Carry License. A true and correct copy of the denial letter is attached hereto  
22 as Exhibit 2.

23 8. I repeatedly requested reconsideration of Sheriff McDonnell's denial, but to  
24 no avail.

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

28 10. I fear that if I am attacked, I will not be able to protect myself, because I

1 cannot lawfully carry a firearm outside my home in any manner.

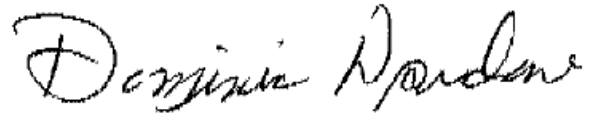
2 11. I wish to immediately exercise my constitutional right to carry a firearm in  
3 public for self-defense, but I am precluded from doing so because I am unable to  
4 obtain a license to carry a firearm and California generally prohibits me from  
5 carrying a firearm in any manner, openly or concealed,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

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

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

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

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

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15  
16 Dominic Nardone  
17 Declarant  
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# **EXHIBIT 2**



JIM McDONNELL, SHERIFF

**County of Los Angeles**  
**Sheriff's Department Headquarters**  
**4700 Ramona Boulevard**  
**Monterey Park, California 91754-2169**



May 14, 2015

Mr. Dominic Nardone

[REDACTED]  
Canyon Country, California 91387

Dear Mr. Nardone:

Thank you for writing me about your concealed weapon license (CCW). We have reviewed all of the documentation attached to your letter.

I sincerely appreciate your commitment to responsible gun ownership, however, your application does not meet the criteria for a CCW from the Los Angeles County Sheriff's Department. As you know, we only issue a license when an applicant can demonstrate an imminent threat that cannot otherwise be handled by existing law enforcement resources. You have yet to establish such a threat.

We are actively monitoring ongoing court cases on the topic of CCWs and we will ensure that our policy remains entirely consistent with State and Federal law. Please feel free to call Ms. Jocelyn Perez at (323) 526-5119 if you have any future questions about our policy or the status of your application.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim McDonnell", written over a horizontal line.

JIM McDONNELL  
SHERIFF

**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 DOMINIC NARDONE 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