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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 JACOB  
PERKIO 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 JACOB PERKIO**

1  
2 1. I, Jacob Perkio, 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 applied with Los Angeles County Sheriff James McDonnel for a Carry  
14 License in Los Angeles County, using the California Department of Justice's  
15 standard application form that the Sheriff's Department provided me. I asserted as  
16 my "good cause" a desire to defend myself while hiking and camping with my wife  
17 in remote areas.

18 6. Sheriff McDonnel denied my application for lack of "good cause." A true  
19 and correct copy of the denial letter is attached hereto as Exhibit 3.

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

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

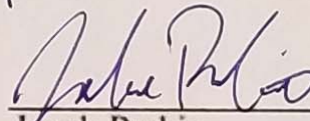
25 9. I wish to immediately exercise my constitutional right to carry a firearm in  
26 public for self-defense, but I am precluded from doing so because I am unable to  
27 obtain a license to carry a firearm and California generally prohibits me from  
28 carrying a firearm in any manner, openly or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

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

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

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

9 Executed within the United States on September 9<sup>th</sup>, 2017.

10  
11   
12 Jacob Perkio  
Declarant

# **EXHIBIT 3**



# OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM McDONNELL, SHERIFF



September 24, 2015

Mr. Jacob S. Perkio

Pomona, California 91768

Dear Mr. Perkio:

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 handwritten signature in black ink, appearing to read "T. S. Rogers".

TODD S. ROGERS  
ASSISTANT SHERIFF

211 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

*A Tradition of Service*  
— Since 1850 —

Exhibit 3

**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 JACOB PERKIO 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