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25 CITY OF LOS ANGELES

26 **UNITED STATES DISTRICT COURT**
27 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

28 NATIONAL RIFLE ASSOCIATION OF AMERICA; JOHN DOE,

Plaintiffs,
vs.

CITY OF LOS ANGELES; ERIC GARCETTI, in his official capacity as Mayor of the City of Los Angeles; HOLLY L. WOLCOTT, in her official capacity as City Clerk of the City of Los Angeles, and DOES 1-10,

Defendants.

Case No.: 19-cv-03212-SVW-GJS

STIPULATION AND PROPOSED STIPULATED JUDGMENT

Ctrm: 10A-First Street Courthouse
Judge: Hon. Stephen V. Wilson

Action Filed: April 24, 2019

1 **WHEREAS:**

2 On or about April 24, 2019, Plaintiffs filed a complaint concerning Article 26 of
3 Chapter 1, Division 10 of the Los Angeles Administrative Code (the “Ordinance”), which
4 was passed by the Los Angeles City Council on February 12, 2019, and which took effect
5 on April 1, 2019. (Compl. ¶¶ 46, 49.)

6 The gravamen of Plaintiffs’ complaint is that the City’s enactment of the Ordinance
7 violates the First and Fourteenth Amendments to the United States Constitution. (Compl.
8 ¶¶ 59-110.)

9 On December 11, 2019, the Court issued an order granting in part and denying in
10 part Defendants’ motion to dismiss, and granting Plaintiffs’ motion for preliminary
11 injunction, enjoining the City from enforcing the Ordinance pending final resolution of
12 this litigation. (Dkt. No. 36 (the “12/11/19 Order”).)

13 On January 21, 2020, the Los Angeles City Council repealed the Ordinance.

14 **NOW THEREFORE:**

15 Plaintiffs National Rifle Association of America and John Doe (collectively,
16 Plaintiffs”) and Defendant the City of Los Angeles (“Defendant”),¹ by and through their
17 respective counsel, stipulate as follows:

18 1. A Final Judgment of Permanent Injunction shall be entered in favor of
19 Plaintiffs incorporating the Court’s 12/11/19 Order. A Proposed Judgment is attached as
20 Exhibit A;

21 2. Defendant shall remove the NRA disclosure requirement that was established
22 by the repealed Ordinance, and all references thereto, from all forms;

23 3. Defendant will notify in writing each contractor who submitted a disclosure
24 form to the City containing the NRA disclosure requirement that the Ordinance has been

25 ¹ The Court dismissed Plaintiff’s third cause of action for compelled speech and
26 fifth cause of action for violation of the Fourteenth Amendment. (Dkt. No. 36.) The Court
27 also dismissed Defendants Eric Garcetti and Holly Wolcott. (Dkt. No. 36.) Following the
28 12/11/19 Order, Plaintiffs have three outstanding First Amendment-related claims against
the City: (1) violation of the right to freedom of association; (2) violation of the right to
free speech; and (3) retaliation.

1 repealed, that they are no longer under any duty to comply with the NRA disclosure
2 requirement, and that they need not make any such disclosure going forward. Defendant
3 will inform Plaintiffs of the number of such notifications that have been sent out;

4 4. Defendant confirms that it has provided written notification to all City
5 departments, employees, and vendors charged with implementing, administering, or
6 enforcing the Ordinance that the Ordinance has been repealed in its entirety, that the
7 Ordinance is no longer enforceable, and that the NRA disclosure requirement shall no
8 longer be enforced;

9 5. Plaintiffs waive all their claims for damages in this litigation. Accordingly,
10 the trial set for February 25, 2020 will be taken off calendar and all current discovery and
11 pre-trial deadlines are vacated;

12 6. The parties shall attempt to negotiate in good faith an agreed upon sum of
13 attorneys' fees and costs to be paid to Plaintiffs by Defendant, but if the parties are unable
14 to agree upon a reasonable award of fees and costs, Plaintiffs shall file with the Court a
15 noticed motion for attorney's fees and Application to the Clerk to Tax Costs;

16 7. In order to allow the parties enough time to conduct the negotiation
17 referenced above (i.e., an agreed upon sum of attorney's fees and costs to be paid to
18 Plaintiffs by Defendant), and to obtain any required client approval of the same, the
19 deadlines for filing a motion for attorney's fees and an Application to the Clerk to Tax
20 Costs shall be extended to April 30, 2020;

21 8. In the event such a motion is filed, Defendant will not dispute Plaintiffs'
22 entitlement to fees and costs, but expressly reserves the right to contest the amount of
23 attorney's fees and costs that should be awarded.

24 ///

IT IS SO STIPULATED.

Dated: January 30, 2020

MICHEL & ASSOCIATES, P.C.

By:

/s/ C. D. Michel

C. D. Michel
Attorneys for Plaintiffs
NATIONAL RIFLE ASSOCIATION and
JOHN DOE

Dated: January 30, 2020

OFFICE OF THE CITY ATTORNEY OF
LOS ANGELES

By:

/s/ Benjamin Chapman[†]

Benjamin Chapman
Attorneys for Defendant
CITY OF LOS ANGELES

[†] Pursuant to Local Rule 5-4.3.4(a)(2)(i), the below filer attests that concurrence in the filing of this document has been obtained from the above signatories.

Dated: January 30, 2020

/s/ C. D. Michel
C. D. Michel

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EXHIBIT A

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

NATIONAL RIFLE ASSOCIATION OF AMERICA; JOHN DOE,
Plaintiffs,

vs.

CITY OF LOS ANGELES; ERIC GARCETTI, in his official capacity as Mayor of the City of Los Angeles; HOLLY L. WOLCOTT, in her official capacity as City Clerk of the City of Los Angeles, and DOES 1-10,
Defendants.

Case No.: 19-cv-03212-SVW-GJS

[PROPOSED] STIPULATED JUDGMENT

Ctrm: 10A-First Street Courthouse
Judge: Hon. Stephen V. Wilson

Action Filed: April 24, 2019

The Court’s Ruling and Order of Preliminary Injunction issued December 11, 2019 shall be the final Judgment of Permanent Injunction of the Court.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Dated: _____, 2020

Honorable Stephen V. Wilson
United States District Judge

CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *National Rifle Association, et al., v. City of Los Angeles, et al.*
Case No.: 2:19-cv-03212 SVW (GJSx)

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:

STIPULATION AND PROPOSED STIPULATED 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.

Benjamin F. Chapman
Los Angeles City Attorney
200 N. Main St., Suite 675
Los Angeles, CA 90012
benjamin.chapman@lacity.org
Attorneys for Defendants

I declare under penalty of perjury that the foregoing is true and correct. Executed January 31, 2020.

s/ Laura Palmerin
Laura Palmerin