



1 1) This Court has jurisdiction of this action pursuant to the Civil Rights Act (42 U.S.C. § 1983, et  
2 seq).

3 2) The amount in controversy is in excess of \$50,000.

4 3) The events or omissions giving rise to Plaintiff's claims occurred in this judicial district and  
5 division.

6  
7 **PARTIES AND VENUE**

8 4) Plaintiff DAVID W. SPEARS is, and at all times herein mentioned was, a resident of the State of  
9 California, County of Los Angeles, and City of Torrance.

10 5) Defendant CITY OF TORRANCE is, and at all times herein mentioned was, a political  
11 subdivision of the state of California, and an incorporated governmental entity.

12 6) Plaintiff is informed and believes, and thereon alleges, that the Torrance Police Department is,  
13 and at all times herein mentioned was, a governmental department organized and under the control of  
14 the Defendant CITY OF TORRANCE.

15 7) Plaintiff is informed and believes, and thereon alleges, that Defendant JOHN J. NEU, is, and at  
16 all times herein mentioned was, the Chief of Police for Defendant CITY OF TORRANCE and a resident  
17 of the County of Los Angeles. This Defendant is sued both individually and in his official capacity.

18 8) Plaintiff is informed and believes, and thereon alleges, that Defendant FRANK SCOTTO, is, and  
19 at all times herein mentioned was the Mayor of Defendant CITY OF TORRANCE and a resident of the  
20 County of Los Angeles. This Defendant is sued both individually and in his official capacity.

21 9) Plaintiff is informed and believes, and thereon alleges, that Defendants GENE BARNETT, TOM  
22 BREWER, GENE DREVINO, PAUL M. NOWATKA, BILL SUTHERLAND, and HOPE  
23 WITKOWSKY, are, and at all times herein mentioned were, City Council members of Defendant CITY  
24 OF TORRANCE and residents of the County of Los Angeles. These Defendants are sued both  
25 individually and in their official capacity.

26 10) Plaintiff is informed and believes, and thereon alleges, that Defendants, and each of them, was  
27 the agent, employee or representative of each of the remaining Defendants and, in doing the things  
28 herein alleged, was acting within the scope and authority of such relationship and, is responsible in some

1 manner for the occurrences herein alleged and, was a proximate cause of Plaintiff's damages as herein  
2 alleged.

3 11) Each of the acts of the agents of Defendant CITY OF TORRANCE, including the Torrance  
4 Police Department, was done by virtue of and under their authority and under the color and pretense of  
5 law. All the agents of Defendant CITY OF TORRANCE in doing the acts described were acting within  
6 the course and scope of their employment. Their acts are therefore imputed to Defendant CITY OF  
7 TORRANCE and the Torrance Police Department.

8  
9 **FACTUAL AND PROCEDURAL BACKGROUND**

10 12) Plaintiff is a resident of the city of Torrance, and is employed as a Revenue Investigator by and  
11 in the neighboring city of Lynwood. His job duties require him to collect and carry around cash and  
12 other payments for business licenses and similar permits from various businesses and individuals in the  
13 City of Lynwood.

14 13) Plaintiff drives a marked city vehicle on the job which is not equipped with any means to safely  
15 secure the cash and payments collected by Plaintiff.

16 14) On numerous occasions, Plaintiff has been accosted, confronted and threatened by hostile  
17 individuals and would-be criminals demanding money that they have observed, or learned of, being  
18 collected by Plaintiff. Given the frequency and nature of Plaintiff's daily duties and routine, Plaintiff is  
19 familiar to many such individuals, who are aware of the nature of Plaintiff's duties, and of the cash  
20 Plaintiff carries. Many of these individuals know and regularly also see Plaintiff in the nearby city of  
21 Torrance where Plaintiff resides. Many such confrontations have occurred both while on duty during  
22 the day, and off duty after hours.

23 15) Plaintiff has no entitlement or access to police escort or protection while performing his duties or  
24 off duty, and no access to emergency radio contact in the event of an attack, attempted assault or robbery  
25 of Plaintiff, and is provided no current means of self defense or protection of the city revenues he  
26 carries.

27 16) Plaintiff ultimately determined that he had objectively good cause and need to obtain a  
28 Concealed Carry Weapon permit to enable him to protect himself from harm both on and off duty.

1 17) Plaintiff discussed with his employer, the City of Lynwood, any objection they might have to  
2 him obtaining a Concealed Carry Weapon permit and carrying a concealed weapon while on duty.  
3 Plaintiff received consent to do so, as evidenced by a letter dated October 25, 2007, from his department  
4 supervisor stating, "I am writing in support of Mr. David Spears' request to carry a concealed weapon  
5 when he is off duty as a business license specialist with the City of Lynwood, *or when carrying large*  
6 *sums of money as an agent of the City...*" [emphasis added], a true and correct copy of which is attached  
7 hereto as Exhibit "A" and incorporated herein by reference.

8 18) On or about May 9, 2007, Plaintiff attempted to apply to the city of Torrance, through the  
9 Torrance Police Department, for a Concealed Carry Weapon permit pursuant to Penal Code  
10 12050(a)(1)(B), a true and correct copy of which is attached hereto as Exhibit "B" and incorporated  
11 herein by reference.

12 19) Under California Penal Code Section 12050(a)(1)(B), a chief of police of a municipal police  
13 department may issue a "license to carry a pistol, revolver, or other firearm capable of being concealed  
14 upon the person ...". Prior to issuing a license, PC §12050 states that the chief must receive "proof that  
15 the person applying is of good moral character, that good cause exists for the issuance, and that the  
16 person applying is a resident of that city and has completed a course of training as described in  
17 subparagraph (E)." Subparagraph (E) states a new license applicant may be required to attend either a  
18 firearm training course that does not exceed 16 hours, or a Peace Officer Standards and Training [POST]  
19 firearms course taught at a local community college that does not exceed 24 hours. Making clear its  
20 intent to insure uniformity and fairness, PC §12050 states that if a department requires a college POST  
21 course, that requirement must apply uniformly to all license applicants *without exception* (emphasis  
22 added).

23 20) Plaintiff is qualified and meets all requirements for an applicant for Concealed Carry Weapon  
24 permit pursuant to Penal Code 12050(a)(1)(B). Plaintiff is a resident of the city of Torrance, is of good  
25 moral character, and is not a 'prohibited person' under federal or state law; he has no criminal record or  
26 convictions, nor restraining orders, nor psychiatric commitments, and has demonstrated good cause for  
27 issuance. All such qualifications are normally required for issuance of a Concealed Carry Weapon  
28 permit, and all would be confirmed and verifiable in a proper application review and background check.

1       21) In response to Plaintiff's application, a letter to Plaintiff dated September 26, 2006, from Lt. Rod  
2 Irvine, Adjutant to the Chief of Police of the Torrance Police Department, stated that, "I have attached a  
3 copy of our current written policy on issuing CCW permits to citizens; however, *we do not have records*  
4 *on the issuance of any such permits, since it has been the long-standing practice of our Chiefs of Police*  
5 *not to issue such permits to citizens.*" [emphasis added]. A true and correct copy of that letter and  
6 attachment are attached hereto as Exhibit "C" and incorporated herein by reference.

7       22) The two page attachment to that letter is an informal summary of the purported policy, and is  
8 entitled "TORRANCE POLICE DEPARTMENT, POLICY CONCERNING LICENSES TO CARRY  
9 CONCEALED WEAPONS". It contains a summary and list of the purported official policies and rules  
10 to be followed by Defendants if they were acting in good faith compliance with that policy summary and  
11 the law in processing and issuing Concealed Carry Weapon permits. Nowhere on that attached policy  
12 summary is there any indication of the other officially endorsed and documented, but contradictory,  
13 "*long-standing practice of our Chiefs of Police not to issue such permits to citizens*", in violation of the  
14 letter and spirit of the law and Defendants' own formal policy.

15       23) In further response to Plaintiff's application and his questions and objections to the September  
16 26, 2006 response letter, Michael Browne, Deputy Chief of Police of the Torrance Police Department,  
17 sent Plaintiff a letter dated Oct 5, 2007, stating again that, "*...it has been the long-standing practice of*  
18 *our Chiefs of Police not to issue such permits to citizens. There has been no change in this long*  
19 *standing practice.*" A true and correct copy of that letter is attached hereto as Exhibit "D" and  
20 incorporated herein by reference.

21       24) Despite a proper and thorough showing in his application of residence in the city of Torrance,  
22 and of his moral character and good cause for issuance, Plaintiff's application for Concealed Carry  
23 Weapon permit was summarily and officially rejected and denied by letter dated October 18, 2007, from  
24 Defendant JOHN J. NEU, Chief of Police, on behalf of the Torrance Police Department and Defendant  
25 CITY OF TORRANCE. A true and correct copy of that letter is attached hereto as Exhibit "E" and  
26 incorporated herein by reference.

27       25) In addition to the informal summary of policy attached to the letter responses of Defendants,  
28 there is actually a formal policy enacted by the City of Torrance and currently in place at the Torrance

1 Police Department regarding application for and issuance of a Concealed Carry Weapon permit. That  
2 formal policy is contained in a document entitled "TORRANCE POLICE DEPARTMENT, General  
3 Order 3.31, Concealed Weapon Permits, date issued: April 4, 2007", a true and correct copy of which is  
4 attached hereto as Exhibit "F" and incorporated herein by reference.

5 26) Defendants' formal policy describes most of the customary requirements to be found in  
6 legitimate policies in force at police agencies that issue Concealed Carry Weapon permits in good faith  
7 compliance with the law, but it does contain several highly unusual and Constitutionally objectionable  
8 terms and conditions, including:

9 "5. The applicant shall purchase an insurance policy in the amount of one million dollars ...  
10 naming the City as the insured ...".

11 "7. Before a permit is issued all qualified applicants will be required to pass psychological  
12 testing by the Department psychologist and may be required to submit and pass additional  
13 psychological testing."

14 27) There is no purpose or need for item 5, an insurance policy requirement, as state law is clear that  
15 police or sheriff's departments are immune from civil suit based upon issuance of Concealed Carry  
16 Weapon permits, so long as the departments have in place and follow an appropriate policy on such  
17 issuance.

18 28) There is also no purpose or need for item 7, a psychological exam of applicants, as its purposes  
19 are adequately met by the requirements of Penal Code 12050(a)(1)(B) for an FBI administered  
20 background check, and such evaluation would constitute a severe and unnecessary invasion of an  
21 applicant's privacy and open the application process to entirely non-objective standards of evaluation at  
22 the whim of the examiner.

23 29) Defendants' formal policy is logically and clearly intended to put a 'false face' on Defendants'  
24 public persona, making it appear that Defendants comply with the requirements and rules of the  
25 Department of Justice, and with Penal Code 12050(a)(1)(B) when they actually do not. However,  
26 Defendants' actual policy of uniformly denying all applicants, violates the law as expressed in the on-  
27 point holding in Salute v. Pitchess, 61 Cal. App. 3d 557 (1976), which holds that, "While a court cannot  
28 compel a public officer to exercise his discretion in any particular manner, it may direct him to exercise

1 that discretion. We regard the case at bench [a consistent policy of denial of all applicants but judges  
2 and selected public officials] as involving a refusal of the sheriff to exercise the discretion given him by  
3 the statute. Section 12050 imposes only three limits on the grant of an application to carry a concealed  
4 weapon: the applicant must be of good moral character, show good cause and be a resident of the county.  
5 To determine, in advance, as a uniform rule, that only selected public officials can show good cause is to  
6 refuse to consider the existence of good cause on the part of citizens generally and is an abuse of, and  
7 not an exercise of, discretion. ... It is admitted that no inquiry into the existence of good cause has ever  
8 been made in connection with the application of these petitioners, or of any other applicant outside the  
9 limited group of public officials. It is the duty of the sheriff to make such an investigation and  
10 determination, on an individual basis, on every application under section 12050.”

11 30) Defendants’ actual policy of uniformly denying all applicants, is a violation of equal protection  
12 and due process, as expressed in Guillory v. County of Orange, 731 F.2d 1379 (9th Cir 1984). That case  
13 holds that, “a government as an entity may be responsible under section 1983 “when execution of [the]  
14 government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may  
15 fairly be said to represent official policy, inflicts the injury”. Guillory goes on to explain that, “...the  
16 county [Defendant] took the position that it was not bound by the fourteenth amendment equal  
17 protection clause .... This wholly unsubstantiated position in itself seems to be evidence of the county's  
18 official policy of indifference to fourteenth amendment protections.”

19 31) Defendants failed to even process Plaintiff's application in good faith: they failed to follow the  
20 very specific procedures detailed in their own official policies; failed and declined to obtain his  
21 fingerprints or run his background check; failed to have him evaluated for fitness under Defendant s'  
22 standards; failed to allow him to demonstrate proficiency with his firearm; and failed entirely to follow  
23 the letter or spirit of the law embodied in Defendants’ policy. Instead, Defendants willfully disregarded  
24 and ignored their own written policies and procedures, willfully disregarded and ignored the law, and  
25 willfully violated Plaintiff s' constitutional rights in order to deprive him of a means of self defense.

26 32) Plaintiff has determined through responses to his subsequent requests for Public Records, that  
27 neither Defendants nor the Department of Justice have any record of issuance by the Torrance Police  
28 Department of a Concealed Carry Weapon permit to any applicant, nor do they even have any record of

1 applications submitted or accepted for processing by the Torrance Police Department for a Concealed  
2 Carry Weapon permit from *any* applicant. This is confirmed by Defendants' admission in the  
3 September 26, 2006, letter attached that, "...we do not have records on the issuance of any such  
4 permits...". True and correct copies of the Department of Justice response is attached hereto as Exhibit  
5 "G" and incorporated herein by reference.

6 33) Plaintiff is aware of other citizens applying for Concealed Carry Weapon permits from  
7 Defendants, and also being summarily rejected by Defendants in willful disregard of the law and of  
8 official policies and procedures in place. Evidence of that is demonstrated by the identically worded  
9 rejection letter dated October 5, 2007, given Steve Nagaoka, another party seeking a Concealed Carry  
10 Weapon permit. A true and correct copy of that letter is attached hereto as Exhibit "H" and incorporated  
11 herein by reference.

12 34) Plaintiff has learned that the individual Defendants, city council members and mayor, are  
13 personally aware of, and have consistently for years supported, the Torrance police department and  
14 police chiefs' freely admitted actual policy of non-issuance of Concealed Carry Weapon permits, and  
15 that such policy of non-issuance is the approved policy of the City of Torrance and the Torrance City  
16 Council, all in contravention and disregard of the law and Defendants' own published policy  
17 "TORRANCE POLICE DEPARTMENT, General Order 3.31, Concealed Weapon Permits", and the  
18 policy summary "TORRANCE POLICE DEPARTMENT, POLICY CONCERNING LICENSES TO  
19 CARRY CONCEALED WEAPONS". See declaration of Preston Guillory attached as Exhibit "I".

20 35) Defendants have willfully and intentionally denied Plaintiff his constitutional rights to equal  
21 treatment and protection under the law by implementing and adhering to an actual policy contradictory  
22 to their formally approved policy, and their refusal to grant Concealed Carry Weapon permits to any  
23 applicant, including Plaintiff, regardless of eligibility, qualification, necessity or good cause shown.

24  
25 **FIRST CAUSE OF ACTION**

26 Civil Rights Violation, Civil Rights Act (42 U.S.C. § 1983)

27 36) Plaintiff hereby realleges and incorporates by reference as if fully set forth herein, the allegations  
28 of paragraphs 1 through 35 above.

1 37) Plaintiff is, and at all times herein mentioned was, a citizen protected by the Civil Rights Act (42  
2 U.S.C. § 1983), et seq., entitled to due process and equal protection under the laws of the State of  
3 California.

4 38) Defendants' willful disregard of, and refusal to follow, their own formally implemented policy,  
5 and their unconditional refusal to grant a Concealed Carry Weapon permit to Plaintiff, or any applicant,  
6 regardless of qualification and entitlement, is an arbitrary and capricious exercise of Defendants'  
7 authority, and violates California state law, violates 42 U.S.C. § 1983, and violates the 14<sup>th</sup> Amendment  
8 of the U.S. Constitution, in that Plaintiff was denied basic Constitutionally mandated equal protection  
9 and due process.

10 39) Defendants have no legal or rational basis for their arbitrary and capricious treatment of Plaintiff.  
11 In enforcing an unconditional informal policy, without exception for any qualified applicant, Defendants  
12 are not exercising their statutory 'discretion' under California Penal Code Section 12050(a)(1)(B), and  
13 cannot claim immunity based upon discretionary acts by a government or its agent.

14 40) Plaintiff has exhausted all available administrative remedies, if any were required, in that there is  
15 no appeal process available under Defendants' stated or as implemented policies.

16 41) As a proximate result of Defendants' policies and conduct, Plaintiff has suffered general and  
17 special damages in an amount according to proof. He has been denied his Constitutional right to keep  
18 and bear arms in his self defense, through the arbitrary and capricious denial of a Concealed Carry  
19 Weapon permit pursuant to the authority of Penal Code 12050(a)(1)(B). He has been denied the equal  
20 protection of the laws. He has been forced to take legal action and incur attorney fees and costs to  
21 protect his rights.

22 42) As a result of Defendants' policies and conduct, Plaintiff is entitled to reasonable attorneys' fees  
23 and costs of suit.

24 WHEREFORE, Plaintiff requests relief as hereinafter provided.

25  
26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiff prays judgment as follows:

28 1. For a Declaratory Judgment that Defendants' enforced policy and practice of refusing to issue

1 Concealed Carry Weapon permits violates the Fourteenth Amendment to the United States  
2 Constitution;

- 3 2. For an order requiring Defendants to prepare and implement Constitutionally acceptable policies and  
4 guidelines, with specific objective criteria and standards governing Defendants' exercise of their  
5 statutory discretion, for the issuance, re-issuance or denial of Concealed Carry Weapon permits,  
6 including but not limited to procedures for reasonable response, amendment, supplementation and  
7 appeal of any alleged grounds for denial or revocation;
- 8 3. For a finding and order that Plaintiff has demonstrated statutorily sufficient good cause for the  
9 issuance of a Concealed Carry Weapon permit, and that Defendants shall accept and process his  
10 application under the Constitutionally acceptable standards adopted, and that if Plaintiff otherwise is  
11 not barred by law, Defendants shall issue Plaintiff a Concealed Carry Weapon permit;
- 12 4. For general and special damages in an amount subject to proof;
- 13 5. For attorneys' fees pursuant to 42 U.S.C. § 1983, et seq;
- 14 6. For costs of suit;
- 15 7. For such other and further relief as the Court may deem proper.
- 16 8. That this Court retain jurisdiction of this matter for the purpose of enforcing this Court's orders;

17  
18 Dated: June 3, 2008

19  
20 Terry A. Nelson,  
21 Attorneys for Plaintiff  
22  
23  
24  
25  
26  
27  
28



City of **LYNWOOD**

*A City Meeting Challenges*

11330 BULLIS ROAD  
LYNWOOD, CALIFORNIA 90262  
(310) 603-0220



October 25, 2007

Terry A. Nelson  
Attorney at Law  
2134 Main Street, Suite 130  
Huntington Beach, CA 92648

**RE: David Spears – Concealed Weapon Permit**

Dear Mr. Nelson:

I am writing in support of Mr. David Spears' request to carry a concealed weapon when he is off duty as a business license specialist with the City of Lynwood, or when carrying large sums of money as an agent of the City. I am aware of the fact that the City of Lynwood is not liable if Mr. Spears discharges his concealed weapon while on duty causing injury or death.

Please do not hesitate to contact me by telephone at (310) 603-0220 if you have any questions or comments, or by electronic mail at [gelliott@lynwood.ca.us](mailto:gelliott@lynwood.ca.us).

Sincerely,

Gabriel Elliott  
Development Services Director

Cc: Preston Guilorry  
10850 Hole Avenue, Suite E  
Riverside, CA 92505

EX "A"

State of California, Department of Justice  
Standard Application for CCW License

Official Use Only - Type of Permit Requested  
( ) Standard ( ) Judge  
( ) Reserve Officer ( ) 90 Day

**Public Disclosure Admonition**

I understand that I am obligated to be complete and truthful in providing information on this application. I understand that all of the information disclosed by me in this application may be subject to public disclosure.

Applicant Signature

Date

Witness Signature / Badge Number

Date

**Section 1 - Applicant Personal Information**

Name: Spears David Wayne  
Last First Middle

If Applicable

Maiden Name or other Name(s) Used: \_\_\_\_\_

City and County of Residence: Torrance, Los Angeles County Country of Citizenship: United States of America

Date of Birth: January 5, 1965 Place of Birth: Los Angeles Los Angeles California  
City County State

Height: 6 "4" Weight: 215 Color Eyes: Brown Color Hair: Brown

**Section 2 - Applicant Clearance Questions**

1. Do you now have, or have you ever had a license to carry a concealed weapon (CCW)?  
No  Yes  (If yes, please indicate below. Use additional pages if necessary.)

Issuing Agency Utah DPS Issue Date 10-14-2005 CCW# C139477

2. Have you ever applied for and been denied a license to carry a concealed weapon?  
No  Yes  (If yes, give agency name, date and reason for denial.)

CV 1124

State of California, Department of Justice  
Standard Application for CCW License

**Section 2 – Applicant Clearance Questions – (continued)**

3. Have you ever held and subsequently renounced your United States citizenship?  
No  Yes  (If yes, explain):

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4. If you served with the Armed Forces, were you ever convicted of any charges or was your discharge other than honorable? No  Yes  (If yes, explain):

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5. Are you now, or have you been a party to a lawsuit in the last five years?  
No  Yes  (If yes, explain):

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6. Are you now, or have you been, under a restraining order(s) from any court?  
No  Yes  (If yes, explain):

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7. Are you on probation or parole from any state for conviction of any offense including traffic? No  Yes  (If yes, explain):

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State of California, Department of Justice  
Standard Application for CCW License

**Section 2 – Applicant Clearance Questions – (continued)**

8. List all traffic violations (moving violations only) and motor vehicle accidents you have had in the last five years. (Use additional pages if necessary.)

Date	Violation / Accident	Agency / Citation #
N/A	N/A	N/A

9. Have you ever been convicted for any criminal offense (civilian or military) in the U.S. or any other country?

No  Yes  (If yes, explain including date, agency, charges, and disposition.)

10. Have you withheld any fact that might affect the decision to approve this license?

No  Yes  (If yes, explain):

**Section 3 – Descriptions of Weapons:**

List below the weapons you desire to carry if granted a CCW. You may carry concealed only the weapon(s) which you list and describe herein, and only for the purpose indicated. Any misuse will cause an automatic revocation and possible arrest. (Use additional pages if necessary.)

	Make	Model	Caliber	Serial No.
1.	GLOCK	30	.45 ACP	KCP537
2.				
3.				

State of California, Department of Justice  
Standard Application for CCW License

**Section 6 – Agreement to Restrictions and to Hold Harmless**

I accept and assume all responsibility and liability for, injury to, or death of any person, or damage to any property which may result through any act or omission of either the licensee or the agency that issued the license. In the event any claim, suit or action is brought against the agency that issued the license, its chief officer or any of its employees, by reason of, or in connection with any such act or omission, the licensee shall defend, indemnify, and hold harmless the agency that issued the license, its chief officer or any of its employees from such claim, suit, or action.

I understand that the acceptance of my application by the licensing authority does not guarantee the issuance of a license and that fees and costs are not refundable if denied. I further understand that if my application is approved and I am issued a license to carry a concealed weapon, that the license is subject to restrictions placed upon it and that misuse of the license will cause an automatic revocation and possible arrest and that the license may also be suspended or revoked at the discretion of the licensing authority at any time. I am aware that any use of a firearm may bring criminal action or civil liability against me.

I have read, understand, and agree to the CCW license liability clauses, conditions, and restrictions stated in this Application and Agreement to Restrictions and to Hold Harmless.

I have read and understand the applicable Penal Code sections regarding False Statements on a CCW Application, Manslaughter, Killing in Defense of Self or Property, Limitation on Self-defense and Defense of Property, and Child Access and Firearm Storage, stated in this application.

I have read and understand Attachment 1 – California Prohibiting Categories for a CCW License, Attachment 2 – California Prohibiting Misdemeanors, and Attachment 3 – Federal Prohibiting Categories for Possessing Firearms. I further acknowledge that these Prohibiting Categories can be amended or expanded by state or federal legislative or regulatory bodies and that any such amendment or expansion may affect my eligibility to hold a CCW.

*David Spears*

Applicant Signature

*July 3, 2007*

Date

Witness Signature / Badge Number

Date

State of California, Department of Justice  
Standard Application for CCW License

**Section 7 - Investigator's Interview Notes**

**Applicant Name:** Spears David Wayne  
Last First Middle

**Date of Birth:** January 5, 1965 **Age** 42

**Social Security No.:** 570-19-3796

**California DL/ID No.:** C4255547

**Driver's License Restrictions:** N/A

**Residence Address:**

1735 Lincoln Avenue #39 Torrance California 90501  
Number Street Apt. City State Zip

**Mailing address (if different):**

Number Street Apt. City State Zip

**Home / Personal Phone Numbers:** ( 310 ) 328-6378 or 310-803-7335

**Spouse's Name and Address:** N/A

**Applicant Occupation:** Revenue Investigator

**Business / Employer Name:** City of Lynwood

**Business Phone Number :** ( 310 ) 603-0220

**Business Address:**

11330 Bullis Road Lynwood California 90262  
Number Street Apt. City State Zip

**1. List all previous home addresses for the past five years.**

N/A

State of California, Department of Justice  
Standard Application for CCW License

**Section 7 - Investigator's Interview Notes - (continued)**

2. Have you ever been in a mental institution, treated for mental illness, or been found not-guilty by reason of insanity? No  Yes  (If yes, explain):

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3. Are you now, or have you ever been, addicted to a controlled substance or alcohol, or have you ever utilized an illegal controlled substance, or have you ever reported to a detoxification or drug treatment program? No  Yes  (If yes, explain):

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4. Have you ever been involved in an incident involving firearms? No  Yes  (If yes, explain):

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5. Have you been involved in a domestic violence incident? No  Yes  (If yes, explain):

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6. List any arrests or formal charges, with or without disposition, for any criminal offenses with the U.S. or any other country (civilian or military).

N/A

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I am a revenue investigator for the City of Lynwood that abuts to the City of Compton. My duties require me to collect cash and/or checks from various businesses, contractors, subcontractors, physicians, etc. for business licenses, permits, and other special licenses/permits that the City of Lynwood has approved. I drive a clearly marked city vehicle that does not have a way to secure the cash and/or checks that I collect. In addition, the vehicle is not equipped with any type of emergency system or communication (radio, alarm, etc.).

During my daily contacts, I come into contact with hostile business owners, operators, and employees when I shut down illegal/unlicensed businesses (contractors, street vendors, etc). When I am on-duty as well as off-duty, I am confronted daily by criminals (inmates released from L.A.S.D's Century Station), transients, and drug addicts that demand money. Some of them have seen me collect cash in the field (on-duty) from the businesses and most see me again off-duty so I am confronted daily by individuals with unknown criminal backgrounds demanding the cash they believe I am carrying. Because I do this on a daily basis and the contacts with these persons are sudden and unexpected, there is no feasible way to have the police escort me on my trips or request police escorts prior to making contact with these persons. I need a CCW so that I may safely conduct my duties and protect myself from life threatening attacks by those seeking the monies that they believe I am carrying.

David Spears [davidwspears@sbcglobal.net]



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# CITY OF TORRANCE

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POLICE DEPARTMENT

MICHAEL F. BROWNE  
CHIEF OF POLICE

September 26, 2006

Mr. David Spears  
1730 Lincoln Avenue, Apt. 39  
Torrance, CA 90501-4726

Dear Mr. Spears:

Regarding your request for a DOJ CCW application, a copy of the Torrance Police Department's CCW policy, and information regarding the number of permits issued by the department, I am provided the following information:

I have attached a copy of our current written policy on issuing CCW permits to citizens; however, we do not have records on the issuance of any such permits since it has been the long-standing practice of our Chiefs of Police not to issue such permits to citizens.

You can print out a copy of the California Department of Justice standard application for a license to carry a concealed weapon (CCW) at the Web address listed below or you can call me to make arrangements to pick up an application if you do not have access to the Internet and a printer.

[http://www.sdsheriff.net/mgt\\_serv/licensing/ccw\\_app.pdf#search=%22california%20doj%20ccw%20application%22](http://www.sdsheriff.net/mgt_serv/licensing/ccw_app.pdf#search=%22california%20doj%20ccw%20application%22)

Please contact me if you need additional information.

Sincerely,

Lieutenant Rod Irvine  
Adjutant to the Chief of Police  
(310) 618-5688

## TORRANCE POLICE DEPARTMENT

### POLICY CONCERNING LICENSES TO CARRY CONCEALED WEAPONS

- All applicants shall complete the California Department of Justice Standard Application and attest under perjury that the information provided is true and correct.
- The Chief of Police may issue a CCW permit under certain conditions including but not limited to those listed below, which are covered in Penal Code Section 12050(a)(1)(B):
  1. The applicant is of good moral character (e.g., has no history of any mental or emotional condition, alcoholism, drug use or addiction, or other conduct indicating moral turpitude).
  2. The applicant has no prior conviction for a felony or any other crime that indicates moral turpitude.
  3. The applicant can show good cause for issuance. (Is there clear and present danger and the applicant has no other means of protection?)
  4. The applicant is a resident of the City of Torrance.
  5. The applicant has successfully completed a designated course of training in the carrying, safety and use of firearms.
- Before a CCW permit is issued, applicants are required to pay for and pass psychological testing by the Department psychologist and maybe required to submit to and pass additional psychological testing.
- The Chief of Police may attach reasonable conditions upon such licenses, including but not limited to:
  1. The type of weapon and ammunition to be permitted and carried.
  2. The times and places where the concealed weapon can be carried.
  3. Limitations in carrying concealed weapons to those circumstances when a specific dangerous activity is to be encountered and for which the applicant sought the license.
  4. The applicant shall purchase an insurance policy in the amount of \$1,000,000 naming the City of Torrance as the insured against the applicant's possession or use of a concealed firearm, and shall furnish proof of insurance be filed with the Torrance Police Department. The term of any license granted by the Chief of Police shall end automatically upon lapse in said insurance.
- The license, if granted, shall lapse by operation of law if the licensee is convicted by final judgment of any felony, or serious misdemeanor, including driving under the influence of alcohol or drugs

- If any section, subsection, sentence, clause, phrase or other portion of this policy is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this policy.
- Fees associated with the CCW permit and application are the responsibility of the applicant.



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CITY OF  
TORRANCE

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POLICE DEPARTMENT

JOHN J. NEU  
CHIEF OF POLICE


October 5, 2007

Mr. David Spears  
1735 Lincoln Avenue, Apt. 39  
Torrance, CA 90501-4726

Dear Mr. Spears:

Regarding your request for an official notice of approval or denial to your DOJ Concealed Firearm License (CCW) application, as per the previous letter sent to you 26 September 2006 by the Torrance Police Department, it has been the long-standing practice of our Chiefs of Police not to issue such permits to citizens. There has been no change in this long standing practice.

Sincerely,

  
Michael Browne  
Deputy Chief of Police

EV "D"



# CITY OF TORRANCE

POLICE DEPARTMENT

JOHN J. NEU  
CHIEF OF POLICE

October 18, 2007

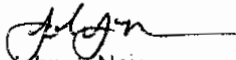
Mr. David Spears  
1735 Lincoln Avenue, Apt. 39  
Torrance, CA 90501-4726

Dear Mr. Spears:

I am denying your request for a concealed weapon permit based on my review of your application.

If you need further clarification on my decision, you may contact Lieutenant Robert Picker at (310) 618-5709 within 15 days of receipt of this letter.

Sincerely,

  
John J. Neu  
Chief of Police



JOHN J. NEU  
CHIEF OF POLICE

## TORRANCE POLICE DEPARTMENT

### GENERAL ORDER 3.31 CONCEALED WEAPON PERMITS

DATE ISSUED: April 4, 2007

#### PURPOSE

Rules pertaining to the issuance of permits to carry concealed weapons.

#### 3.31.1 CARRY CONCEALED WEAPON (CCW) PERMIT

- A. APPLICATION. All applicants for a Concealed Weapons Permit shall complete the California Department of Justice (DOJ) Standard Application for carrying a concealed weapon (CCW). The Chief of Police will consider issuing a Concealed Weapon Permit only to those individuals who have met certain conditions outlined in Penal Code §12050. The Chief of Police may place additional restrictions on permits.
- B. COMPLETION. The person requesting the CCW permit shall fill out the application with the exception of those portions reserved for Department use. The application fee shall be collected by the Records Division and transferred to the City Treasurer. The completed application shall be forwarded to the Vice and Narcotics Division for processing.
  1. The application shall be assigned an incident number. The Vice and Narcotics Division Commander shall cause an investigation of the applicant, to include but not confined to the following:
    - a. The applicant is of good moral character.
    - b. The applicant has no prior convictions of a felony or any other crime that indicates moral turpitude.
    - c. The applicant can show good cause for issuance.
    - d. The applicant is a bona fide resident of the City of Torrance.
    - e. The applicant has successfully completed a designated course of training in the carrying, safety, and use of firearms.
  2. Upon completion of the above-described investigation, the Vice and Narcotics Division Commander shall forward the application along with his recommendation to the Special Operations Bureau Commander for review and concurrence. If there is no legal reason for disqualification, the applicant shall be fingerprinted and photographed in order to provide the required documentation to the Department of Justice.
  3. CCW permits will not be issued until clearance is obtained from the Department of Justice.
  4. Upon review of the DOJ response, the Vice and Narcotics Division Commander's recommendation, and the Special Operations Bureau Commander's concurrence, the Chief of Police shall make a final determination. A letter signed by the Chief of Police shall be sent to the applicant providing notification of the final decision.
  5. The applicant shall purchase an insurance policy in the amount of one million dollars (\$1,000,000) naming the City as the insured against the applicant's possession or use of a concealed firearm. A copy of this policy shall be filed with the Department. The term of any license granted by the Department shall end automatically by the operation of law upon lapse in said insurance.

- 
6. All applicants shall be given written notice indicating the approval or denial of the requested CCW license within 90 days of application or 30 days after receipt of the applicant's background check from DOJ, whichever is later.
  7. Before a permit is issued all qualified applicants will be required to pass psychological testing by the Department psychologist and may be required to submit and pass additional psychological testing.
  8. The Chief of Police may attach reasonable conditions or restrictions upon such licenses including, but not limited to:
    - a. The type of weapon and ammunition that is permitted and carried.
    - b. The times and places where the concealed weapon can be carried.
    - c. Limitations in carrying concealed weapons to those circumstances when a specific dangerous activity is to be encountered and for which the applicant has sought the license.
  9. If granted, the duration of the license shall be not more than two years, as allowed by law. The license shall lapse by operation of law if the licensee is convicted by final judgment of any felony, or serious misdemeanor, including driving under the influence of alcohol or drugs.
  10. If any section, subsection, sentence, clause, phrase or other portion of this policy is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this policy.
  11. All fees associated with the CCW permit and application are the responsibility of the applicant.
  12. There is no appeal of the final decision. Within 15 days from notification of denial, the applicant may request a meeting to discuss the denial with the Vice and Narcotics Division Commander or a designee appointed by the Chief of Police.
- C. DISTRIBUTION. The application and any accompanying documentation shall be filed in Records Division.

### **3.31.2 CONCEALED WEAPONS FOR RETIREES**

- A. IDENTIFICATION CARD. Retired sworn personnel shall be issued a picture retirement identification card bearing either an authorization to carry a concealed weapon, or a clear and explicit restriction withholding the privilege, and the date the endorsement is to be renewed.
- B. CONCEALED WEAPON PERMIT. Every peace officer honorably retired from the Torrance Police Department, after January 1, 1981, who desires authority to carry a concealed firearm per Penal Code §12027(a), shall:
  1. Initially upon retirement, and before the lapse of five years thereafter, request authorization to carry a concealed weapon from the Chief of Police.
  2. During the term of the permit, report all major physical or mental conditions or illnesses to the Chief of Police as soon as practical.
  3. Submit, as soon as practical, a written report to the Chief of Police all incidents involving the discharge of a concealed weapon if other than on a firing range, or other legal recreational shooting.
  4. Carry the authorization card at all times while carrying a concealed weapon.

- 
- C. PERMIT RENEWAL. Authorization to carry a concealed weapon, by officers honorably retired after January 1, 1981, shall be granted for a maximum period of five years from the date of issue. Retired Officers must apply for renewal to the Office of the Chief of Police before the lapse of each five year period thereafter. Identification cards for officers retired after January 1, 1981, endorsed granting the privilege, must be renewed every five years, or the privilege of carrying a concealed weapon shall automatically lapse. The retiree shall qualify with the firearm at least annually.
1. The retiree may demonstrate competency by firing on the Department Range under the supervision of the Range Master, or by submitting certified shooting scores from another police agency or public range.
  2. Upon request for renewal, the Chief of Police shall review Department of Justice records to determine any relevant information in considering whether the permit should be renewed.
  3. The retiree shall supply the Department with two recent photographs suitable for use on the renewed ID card.
  4. This section does not apply to officers who retired prior to January 1, 1981.
- D. PERMIT DENIED OR REVOKED. The Chief of Police may deny or revoke the retired officer's privilege to carry a concealed weapon upon a showing of good cause. A retired peace officer may have his privilege to carry a concealed and loaded firearm revoked or denied by violating any Departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency. A retired officer whose authorization to carry a concealed weapon is revoked or denied has the right to a hearing as specified in Penal Code §12027.1.
1. A retired officer shall have 15 days to respond to a notice of that hearing or, upon failing to respond to the notice, forfeits the retired officer's right to that hearing.
  2. Any hearing shall be held before a three-member board. One member of the board shall be selected by the Department and one member shall be selected by the retired officer or the Torrance Police Officer's Association. The third member shall be selected jointly by the Department and the retired officer or TPOA. A decision by the board shall be binding on the Department and the retiree.
  3. An officer who retired because of a psychological disability after January 1, 1989, shall not be issued an endorsement to carry a concealed weapon.
  4. Should the privilege to carry a concealed weapon be revoked or denied, the Chief of Police shall issue the retiree an Identification Card indicating that the bearer is restricted from carrying a concealed weapon.
  5. Any retiree whose privilege to carry a concealed weapon is revoked shall, upon notification, immediately surrender to the Chief of Police his identification card containing permission to carry a concealed weapon.

**JOHN J. NEU**  
**CHIEF OF POLICE**

EDMUND G. BROWN JR.  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



DIVISION OF LAW ENFORCEMENT  
P.O. BOX 160487  
SACRAMENTO, CA 95816-0487  
(916) 263-0699  
Facsimile: (916) 263-0676

January 10, 2008

Mr. Preston Guillory  
Preston Guillory Investigations  
10850 Hole Avenue, Suite E  
Riverside, CA 92505

Re: Public Records Act Request – CCW Permits and Denials by Torrance Police Department

Dear Mr. Guillory:

I am writing in response to the above request made pursuant to the California Public Records Act set forth in California Government Code section 6250 et seq. received by the California Department of Justice (DOJ) via United States mail on December 27, 2007. You asked for "the total number of civilian CCW's Concealed Firearm Licenses issued by the Torrance Police Department" as well as "the total number of CCW denials reported to Department of Justice by the Torrance Police Department."

California Penal Code Section 12050 authorizes certain law enforcement officials, including "[t]he chief or other head of a municipal police department" to issue concealed weapons permits to persons of good moral character who live, spend a substantial period of time, or work in the municipality. Penal Code Section 12053(b) requires the police department to notify DOJ of the denial of a license and DOJ to retain records of denials. We do not have any records of CCW permits that were issued or denied by Torrance Police Department.

Sincerely,

A handwritten signature in black ink that reads "Alison Y. Merrilees".

ALISON Y. MERRILEES  
Deputy Attorney General  
Bureau of Firearms

For EDMUND G. BROWN JR.  
Attorney General

EX "6"



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CITY OF  
TORRANCE

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POLICE DEPARTMENT

MICHAEL J. BROWNE  
CHIEF OF POLICE

October 5, 2006

Mr. Steve Nagaoka  
18405 Haas Avenue  
Torrance, CA 90504

Dear Mr. Nagaoka:

Regarding your request for a DOJ CCW application and a copy of the Torrance Police Department's CCW policy, you can print out a copy of the California Department of Justice standard application for a license to carry a concealed weapon (CCW) at the Web address listed below or you can call me to make arrangements to pick up an application if you do not have access to the Internet and a printer.

[http://www.sdsheriff.net/mgt\\_serv/licensing/ccw\\_app.pdf#search=%22california%20doj%20ccw%20application%22](http://www.sdsheriff.net/mgt_serv/licensing/ccw_app.pdf#search=%22california%20doj%20ccw%20application%22)

Also, I have attached a copy of our current written policy on issuing CCW permits to citizens; however, it has been the long-standing practice of our Chiefs of Police not to issue such permits to citizens. Since our department chooses to not issue CCW permits, you may want to consider contacting the Los Angeles County Sheriff's Department to inquire about their issuance requirements.

Please contact me if you need additional information.

Sincerely,

Lieutenant Rod Irvine  
Adjutant to the Chief of Police  
(310) 618-5688

1 Terry A. Nelson, SBN 62259  
2 Nelson & Lawless Law Offices  
3 2134 Main St., Su. 130  
4 Huntington Beach, CA 92648  
(714) 960-7584 FAX (714) 960-9115  
5 Email: [lawyer@surfcity.net](mailto:lawyer@surfcity.net)

6 Law Office of Douglas L. Edgar  
7 Douglas L. Edgar, SBN 216130  
8 26323 Jefferson Avenue, Suite E104  
9 Murrieta, California 92562  
10 (951) 698-0051 Fax (951) 698-6191  
11 Email: [edgarlaw@yahoo.com](mailto:edgarlaw@yahoo.com)

12 Attorneys for Plaintiff DAVID W. SPEARS

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

15 DAVID W. SPEARS,

16 Plaintiff,

17 v.

18 CITY OF TORRANCE, et al

19 Defendants

CASE NO.

Judge

**DECLARATION OF PRESTON  
GUILLORY IN SUPPORT OF  
COMPLAINT FOR DAMAGES**

20 I, PRESTON GUILLORY, if called upon to testify, could and would competently testify as  
21 follows:

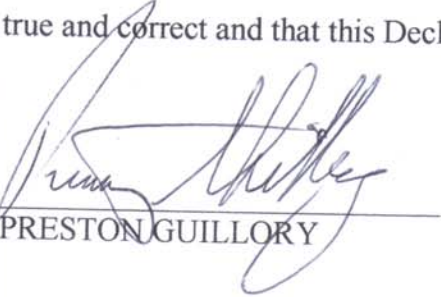
22 1. My name is PRESTON GUILLORY. I am a Licensed Private Investigator in the State of  
23 California and have been licensed since 1973.

24 2. On Tuesday, January 8<sup>th</sup>, 2008, at 16:28, I received a phone call from (310) 783-0114. The  
25 caller identified herself as Sue Herbers, Torrance City Clerk. She said she was responding to my request  
26 for information on City records retention policy, and said she had been tasked to respond in the absence  
27 of Chief Neu and Ms. Witherspoon. I told her I was specifically interested in the retention of CCW  
28 Applications. She responded, "I know we do not issue them". She went on to explain that retention for

1 that type of record if not specifically enumerated in the Retention Policy, would be 2 years.

2 3. On Tuesday, May 13<sup>th</sup>, 2008, at 1115, I received a phone call from (310) 783-0321. The caller  
3 identified herself as Sue Herbers, Torrance City Clerk. She said she was returning my phone call. I  
4 reminded her that we had spoken on January 8<sup>th</sup>, 2008, and I had a few more questions for her. I asked  
5 how she was aware of the Police Department Policy to not issue CCW's. She said she was curious  
6 about it and had asked the Chiefs about it. She said she had been City Clerk since 1994 and had asked  
7 all the Chiefs if there was a formal policy to that effect as she wanted to obtain a copy. I asked if this  
8 was a City Policy and she said yes as it emanated from the various Chiefs that have served since 1994.

9 I declare under penalty of perjury under the laws of the state of California that the foregoing is  
10 true and correct and that this Declaration was executed at Riverside, California on June 3, 2008.

11   
12  
13 PRESTON GUILLORY  
14

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Otis D. Wright II and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

**CV08- 3686 ODW (SSx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Terry A. Nelson SBN 62259  
Nelson & Lawless  
2134 Main St., #130  
Huntington Beach, CA 92648  
ph 714-960-7584, fax 714-960-9115  
email: lawyer@surfcity.net

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DAVID W. SPEARS

PLAINTIFF(S)

v.

CITY OF TORRANCE, [see attachment for list of all  
defendants]

DEFENDANT(S).

CASE NUMBER

CV08-03686 ODW (SSW)

SUMMONS

TO: DEFENDANT(S): \_\_\_\_\_

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached  complaint  \_\_\_\_\_ amended complaint  counterclaim  cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Terry A. Nelson, whose address is 2134 Main St., #130 Huntington Beach, CA 92648. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: June 5, 2008

By: NATALIE LONGORIA

Deputy Clerk



1198

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

1 Terry A. Nelson, SBN 62259  
2 Nelson & Lawless Law Offices  
3 2134 Main St., Su. 130  
4 Huntington Beach, CA 92648  
5 (714) 960-7584 FAX (714) 960-9115  
6 Email: [lawyer@surfcity.net](mailto:lawyer@surfcity.net)

7 Law Office of Douglas L. Edgar  
8 Douglas L. Edgar, SBN 216130  
9 26323 Jefferson Avenue, Suite E104  
10 Murrieta, California 92562  
11 (951) 698-0051 Fax (951) 698-6191  
12 Email: [edgarlaw@yahoo.com](mailto:edgarlaw@yahoo.com)

13 Attorneys for Plaintiff DAVID W. SPEARS

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

16 DAVID W. SPEARS,

17 Plaintiff,

18 v.

19 CITY OF TORRANCE, a governmental entity,  
20 JOHN J. NEU, individually and in his capacity as  
21 Chief of Police; FRANK SCOTTO, individually  
22 and in his capacity as Mayor; GENE BARNETT,  
23 individually and in his capacity as Council Member,  
24 TOM BREWER, individually and in his capacity as  
25 Council Member, GENE DREVINO, individually  
26 and in her capacity as Council Member, PAUL M.  
27 NOWATKA individually and in his capacity as  
28 Council Member, BILL SUTHERLAND,  
individually and in his capacity as Council Member,  
HOPE WITKOWSKY, individually and in her  
capacity as council member,

Defendants

CASE NO.

Judge

ATTACHMENT TO SUMMONS – LIST OF  
ALL ADDITIONAL DEFENDANTS

///

**ATTACHMENT TO SUMMONS --  
LIST OF ALL DEFENDANTS NAMED IN COMPLAINT**

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CITY OF TORRANCE, a governmental entity,  
JOHN J. NEU, individually and in his capacity as Chief of Police;  
FRANK SCOTTO, individually and in his capacity as Mayor;  
GENE BARNETT, individually and in his capacity as Council Member,  
TOM BREWER, individually and in his capacity as Council Member,  
GENE DREVINO, individually and in her capacity as Council Member,  
PAUL M. NOWATKA individually and in his capacity as Council Member,  
BILL SUTHERLAND, individually and in his capacity as Council Member,  
HOPE WITKOWSKY, individually and in her capacity as council member,



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes

If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case?  No  Yes

If yes, list case number(s): CV07-05895SVW (JCx) -- with similar claims by different plaintiff against different defendants in different county

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges, or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District *	California County outside of this District, State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c)

County in this District *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_ Date June 3, 2008

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program (42 U.S.C. 1935FF(b))
862	BI	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))