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7 *Attorneys for Defendants* CHARLIE BECK and LOS ANGELES POLICE DEPARTMENT

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

11  
12 JONATHAN BIRDT,  
13  
14 Plaintiff,

15 v.

16 CHARLIE BECK, LEE BACA, THE LOS  
17 ANGELES POLICE DEPARTMENT and  
18 THE LOS ANGELES COUNTY SHERIFFS  
DEPARTMENT, DOES 1 to 50, *inclusive*,  
19  
20 Defendants.

CASE NO. CV10-8377 RGK (JEM)  
**DEFENDANTS' RESPONSE TO  
PLAINTIFF'S SEPARATE  
STATEMENT OF UNDISPUTED  
FACTS IN OPPOSITION TO  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

Date: May 16, 2011  
Time: 9:00 a.m.  
Courtroom: 850

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23 Defendants hereby submit the following Response to Plaintiff's Separate  
24 Statement of Undisputed Facts in support of his Motion for Summary Judgment.  
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<b>Plaintiff's Separate Statement of Undisputed Facts</b>	<b>Defendants' Reply</b>
1. Plaintiff is also a long time resident, property owner and operates his business in Los Angeles from his home. <u>Supporting Evidence:</u> Declaration of Jonathan W. Birdt at Paragraph 2.	Undisputed.
2. Plaintiff has completed several NRA and State required training courses and has competed (and scored higher than several LAPD Officers) in tactical Pistol competitions with the USPSA. <u>Supporting Evidence:</u> Declaration of Jonathan W. Birdt at paragraph 3.	Undisputed.
3. Plaintiff has also passed numerous California Department of Justice Background and screening tests for various appointments and numerous weapons purchases. <u>Supporting Evidence:</u> Declaration of Jonathan W. Birdt at Paragraph 4.	Undisputed.

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<p>4. Plaintiff also volunteers as a judicial officer for the Los Angeles Superior Court and an Advocate for the Juvenile Court .</p> <p><u>Supporting Evidence:</u> Declaration of Jonathan W. Birdt at Paragraph 5.</p>	<p>Undisputed.</p>
<p>5. The LAPD and LASD both denied Plaintiffs application for a concealed weapon and both stated the reason for the denial was “failure to establish good cause.</p> <p><u>Supporting Evidence:</u> Declaration of Jonathan W. Birdt at Paragraph 6.</p>	<p>Objection: Lacks foundation, misstates the evidence Plaintiff’s CCW application was denied because “[c]onvincing evidence was not established of a clear and present danger to life or of great bodily injury to yourself, which cannot be adequately dealt with by existing law enforcement resources, and which danger cannot be reasonably avoided by alternative means. You did not provide satisfactory proof that your work is such a nature that it requires the carrying of a concealed weapon.” See Letter dated March 18, 2010 denying Plaintiff’s CCW application, Exhibit 3 to Tompkins Decl., ¶ 14.</p>

1 Defendants' Additional Material Facts are included in a separate document in  
2 support of Defendants' Motion for Summary Judgment or Partial Summary Judgment.

3 Dated: April 18, 2011 Respectfully submitted,  
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5 **CARMEN A. TRUTANICH**, City Attorney  
6 **GARY G. GEUSS**, Chief Assistant City Attorney  
7 **CORY M. BRENTE**, Supv. Assistant City Attorney  
8 **ELIZABETH MITCHELL**, Deputy City Attorney

9 By:   
10 **WENDY SHAPERO**, Deputy City Attorney

11 Attorneys for Defendants, CHARLIE BECK and LOS  
12 ANGELES POLICE DEPARTMENT  
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