

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ANDREA SHERIDAN ORDIN, County Counsel
ROGER H. GRANBO, Assistant County Counsel
JENNIFER A.D. LEHMAN, Principal Deputy County Counsel
(SBN 191477) • *jlehman@counsel.lacounty.gov*
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012-2713
Telephone (213) 974-1908 Fax: (213) 626-2105

Attorneys for Defendants
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT and LEE BACA

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

JONATHAN BIRDT,
Plaintiff,

v.

CHARLIE BECK, LEE BACA, THE
LOS ANGELES POLICE
DEPARTMENT and THE LOS
ANGELES COUNTY SHERIFF'S
DEPARTMENT, and DOES 1 through
50,
Defendants.

CASE NO. CV 10-08377 RGK (JEMx)

**DEFENDANTS LOS ANGELES
COUNTY SHERIFF'S
DEPARTMENT AND LEE BACA'S
ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT FOR
DAMAGES**

Action Filed: November 4, 2010

Defendants LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
("LASD") and LEE BACA for themselves alone and separating themselves from all
other Defendants, answer Plaintiff's unverified Complaint and admit, deny, and
allege as follows:

1. Defendants lack sufficient information and belief to admit or deny the
allegations contained in paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 19, 20, and
26 of the Complaint and, based on that lack of information and belief, deny those
allegations.

1 2. Defendants deny generally and specifically, each and every allegation
2 contained in paragraphs 18, 21, 27, 28, 29, 30, 31, 32, and 33 of the Complaint.

3 3. Responding to paragraph 1, Defendants admit that Plaintiff has applied
4 for and been denied a permit to carry a concealed weapon by the LASD.
5 Defendants lack sufficient information and belief to admit or deny the remaining
6 allegations of the paragraph and, based on said lack of information and belief, deny
7 the remainder of the paragraph.

8 4. Responding to paragraph 2, Defendants admit that Plaintiff applied for
9 a CCW permit with the LASD which was denied. Defendants lack sufficient
10 information and belief to admit or deny the remaining allegations of the paragraph
11 and, based on said lack of information and belief, deny the remainder of the
12 paragraph.

13 5. Responding to paragraph 11, Defendants admit that Lee Baca is the
14 Sheriff of Los Angeles County. Defendants also admit that the LASD denied
15 Plaintiff's application for a CCW permit. Defendants lack sufficient information
16 and belief to admit or deny the remaining allegations of the paragraph and, based on
17 said lack of information and belief, deny the remainder of the paragraph.

18 6. Responding to paragraph 12, Defendants admit that the LASD is a
19 department of the County of Los Angeles, a municipal entity.

20 7. Responding to paragraph 17, Defendants admit that Plaintiff filed an
21 application for a CCW permit with the LASD, which was denied. Defendants lack
22 sufficient information and belief to admit or deny the remaining allegations of the
23 paragraph and, based on said lack of information and belief, deny the remainder of
24 the paragraph.

25 8. Responding to paragraph 22, Defendants admit that the case cited reads
26 as cited in the First Amended Complaint.

27 9. Responding to paragraph 23, Defendants admit that the case cited reads
28 as cited in the First Amended Complaint.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EIGHTH AFFIRMATIVE DEFENSE

19. Plaintiff has an adequate remedy at law.

NINTH AFFIRMATIVE DEFENSE

20. Plaintiff's Complaint is moot.

WHEREFORE, Defendants pray that:

- 1. Plaintiff takes nothing by this action;
- 2. Plaintiff's action be dismissed with prejudice;
- 3. Plaintiff's request for injunctive relief be denied and Plaintiff take

nothing by this action;

- 4. Defendants be awarded their costs of suit incurred herein, including reasonable attorneys' fees; and

5. Defendants be awarded such other relief as this Court may deem just and proper.

DATED: December 17, 2010

Respectfully submitted,

ANDREA SHERIDAN ORDIN
County Counsel

By 
JENNIFER A.D. LEHMAN
Principal Deputy County Counsel

Attorneys for Defendants
LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT and LEE BACA

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
Case No. CV 10-08377 RGK (JEMx)

STATE OF CALIFORNIA, County of Los Angeles:

Diana Bluem states: I am employed in the County of Los Angeles, State of California, over the age of eighteen years and not a party to the within action. My business address is 648 Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012-2713

That on December 17, 2010 I served the attached

DEFENDANTS LOS ANGELES COUNTY SHERIFF'S DEPARTMENT AND LEE BACA'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT FOR DAMAGES

upon Interested Party(ies) by placing the original a true copy thereof enclosed in a sealed envelope addressed as follows as stated on the attached service list:

Jonathan W. Birdt
18252 Bermuda Street
Porter Ranch, CA 91326

By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses on the attached service list (specify one):

- (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) placed the envelope for collection and mailing, following ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Los Angeles, California:

I declare that I am employed in the offices of a member of this court at whose direction the service was made.

Executed on December 17, 2010, at Los Angeles, California.

Diana Bluem
(NAME OF DECLARANT)

Diana Bluem
(SIGNATURE OF DECLARANT)