

1 BARBARA J. PARKER, City Attorney, SBN 069722
RANDOLPH W. HALL, Chief Assistant City Attorney, SBN 080142
2 KEVIN D. SIEGEL, Deputy City Attorney, SBN 194787
One Frank H. Ogawa Plaza, 6th Floor
3 Oakland, California 94612
Telephone: (510) 238-4982
4 Facsimile: (510) 238-6500
E-Mail: ksiegel@oaklandcityattorney.org
5 X03814/1007909_1

6 Attorneys for Defendant
CITY OF OAKLAND
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 DOUGLAS CHURCHILL, PETER LAU,
THE CALGUNS FOUNDATION, INC.,
12 THE SECOND AMENDMENT
FOUNDATION, INC.,
13

14 Plaintiffs,

15 vs.

16 KAMALA HARRIS – as Attorney General,
CALIFORNIA DEPARTMENT OF JUSTICE,
17 CITY/COUNTY OF SAN FRANCISCO, and
SAN FRANCISCO POLICE DEPARTMENT,
18 CITY OF OAKLAND, OAKLAND POLICE
DEPARTMENT and Does 1 to 20,

19 Defendants.
20

Case No. CV-12-1740-LB

**STIPULATION RESOLVING
LITIGATION AGAINST CITY OF
OAKLAND**

21
22 Plaintiff Peter Lau (“Lau”) and Defendants City of Oakland and Oakland Police Department
23 (collectively, the “Oakland”), by and through counsel, stipulate as follows:

24 Whereas, Lau filed the above-entitled lawsuit against Oakland alleging that Oakland had
25 illegally declined to return a firearm to Lau;

26 Whereas, prior to the commencement of this lawsuit Oakland had not returned the firearm
27 to Lau because Oakland had considered the firearm to be an assault weapon under California law
28 due to a malfunctioning “bullet button”;

1 Whereas, Lau has now replaced the malfunctioning bullet button with a functioning bullet
2 button, submitted a new Law Enforcement Gun Release Application (“LEGR”) to the California
3 Department of Justice (“CADOJ”), and the CADOJ has returned the LEGR to Lau;

4 Whereas, Lau and Oakland agree that the firearm, with the functioning bullet button
5 installed, is not an assault weapon and that the firearm may be returned to Lau; and

6 Whereas, Lau has retrieved the firearm from OPD.

7 Now therefore:

- 8 1. Lau shall dismiss with prejudice his lawsuit against Oakland.
- 9 2. Lau and Oakland shall each bear their respective litigation expenses incurred in
10 connection with this lawsuit (including without limitation attorney’s fees and costs).
- 11 3. This stipulation may be executed in counterparts, and photocopies or facsimiles shall
12 constitute good evidence of such execution.

13 Dated: August 23, 2012

14 BARBARA J. PARKER, City Attorney
15 RANDOLPH W. HALL, Chief Assistant City Attorney
16 KEVIN D. SIEGEL, Deputy City Attorney

17 By: /s/ Kevin Deigal
 Kevin D. Siegel, Attorneys for Defendant City of Oakland

18
19
20 Dated: August 23, 2012

21 Donald E.J. Kilmer, Jr.
22 LAW OFFICES OF DONALD KILMER

23 By: /s/ Donald Kilmer
 Donald E. Kilmer, Jr., Attorneys for Plaintiffs