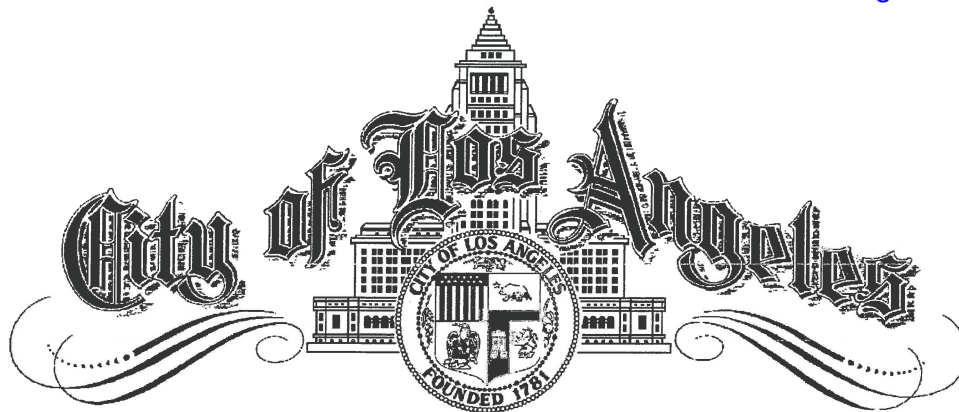


# Exhibit E

# Exhibit D



**MICHAEL N. FEUER**  
City Attorney

July 27, 2018

The Hon. Robert Pitman  
United States District Court for the  
Western District of Texas  
501 West 5th St., Suite 5300  
Austin, TX 78701

Re: *Defense Distributed et al. v. United States Department of State et al.*,  
(Case No. 15-CV-00372-RP).

Dear Judge Pitman:

The purpose of this letter is to apprise the Court that the City of Los Angeles intends to move to intervene in *Defense Distributed, et al. v. Dep't of State, et al.*, Case No. 15-cv-372-RP (W.D. Tex.) (the "Litigation") to seek to enjoin Defense Distributed from publishing its blueprints of firearms and firearm components on the internet. The City has a concrete, particularized, and legally protectable interest in the Litigation: the potential public distribution of Defense Distributed's blueprints on the internet would pose a direct and immediate threat to public safety in the City of Los Angeles, and cause numerous violations of California and City laws designed to protect the public from gun violence.

I am the City Attorney for the City of Los Angeles (the "City"). As the City's chief lawyer and prosecutor, it is my job to enforce the gun laws of the City and California to ensure the safety of the City's nearly four million residents as well as its millions of visitors.<sup>1</sup>

I have reviewed a settlement agreement (the "Agreement") purporting to resolve the Litigation. Under the Agreement, the plaintiff, Defense Distributed, is allowed to publicly upload blueprints of firearms and firearm components to the Internet so that any terrorist, violent felon, domestic abuser, mentally ill individual, or minor with access to the Internet and a 3D printer may create completely untraceable and undetectable guns and gun components, including

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<sup>1</sup> In 2016, Los Angeles County had over 47 million visitors. <https://www.discoverlosangeles.com/press-releases/facts-about-los-angeles>.

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“do-it-yourself” semi-automatic weapons. This is not hyperbole. Indeed, in paragraph 1(d) of the Agreement, the State Department acknowledges and agrees that temporary modification of the Category 1 munitions list permits “any United States person” to “access, discuss, use, reproduce, or otherwise benefit” from Defense Distributed’s automated blueprints. This will undoubtedly facilitate the manufacture of 3D guns in California, as well as the importation of such guns into California, in violation of numerous California and City laws. The threat to public safety in our jurisdiction is clear.

For example, California law has labeled “undetectable firearms”—like those that Defense Distributed’s blueprints may enable people to make—as a nuisance. (Cal. Pen. Code § 24690.)<sup>2</sup> As such, my office is authorized to file lawsuits to “enjoin” the manufacture, importation, or possession of an undetectable firearm. (*Id.* § 18010.) Furthermore, under California law, it is also a crime to “manufacture[] or cause[] to be manufactured, import[] into the state, ... or possess[] any undetectable firearm,” subjecting a violator to imprisonment for up to a year. (*Id.* § 24610.) Defense Distributed’s blueprints may allow individuals to print undetectable 3D firearms in direct violation of these laws.

The threat to public safety in Los Angeles posed by undetectable firearms is obvious and immeasurable. For example, it is illegal under the Los Angeles Municipal Code (“LAMC”) to possess the “frame, receiver or barrel of a firearm” at an airport. (LAMC § 55.17(a)(1).) This is for good reason; the Los Angeles International Airport is the fifth busiest airport in the world, and served over 84 million passengers in 2017. <https://www.businessinsider.com/busiest-airports-in-the-world-2018-2018-4#6-chicago-ohare-international-airport-ord-79828183-passengers-in-2017-15>.<sup>3</sup> One way we enforce this law is through the use of X-ray machines. But undetectable gun and gun components may render metal detectors and X-ray machines useless. Thus, the online distribution of Defense Distributed’s blueprints will allow criminals and terrorists to evade our law. How will we keep airports and airplanes safe?

It is also unlawful under California law to sell or transfer a manufactured or assembled firearm (Cal. Pen. Code § 29180(d)),<sup>4</sup> and to aid or abet certain high-risk individuals (e.g., felons, sex offenders, etc.) in the manufacture or assembly of a firearm. (*Id.* § 29180(e).) Defense Distributed’s blueprints will allow individuals to circumvent these laws with ease.

In addition, numerous other California and City laws will be directly undermined by the publishing of Defense Distributed’s blueprints. For example, it is a felony in California to manufacture, import, or sell an assault weapon, punishable by up to eight years in prison. (Cal.

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<sup>2</sup> An undetectable firearm is generally defined as a weapon that is not detectable by a walk-through metal detector or “the types of X-ray machines commonly used at airports.” (Cal. Pen. Code § 17280.)

<sup>3</sup> In addition to the significant traffic through Los Angeles’s airport, the Port of Los Angeles is the largest container port in North America. <https://www.portoflosangeles.org/about/facts.asp>. This is another potential access point for 3D guns to slip into Los Angeles undetected.

<sup>4</sup> “For purposes of this chapter, ‘manufacturing’ or ‘assembling’ a firearm means to fabricate or construct a firearm, or to fit together the component parts of a firearm to construct a firearm.” (Cal. Pen. Code § 29180(a).)

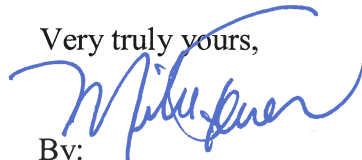
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Pen. Code § 30600(a.) Defense Distributed's blueprints may allow individuals to print 3D assault weapons in direct violation of this law.

California also has a comprehensive scheme to ensure that firearms do not fall into the hands of felons and other individuals deemed by the court system to pose a danger to others as a result of mental disorder or illness through a robust background check process. (Cal. Pen. Code §§ 26815, 28210, 28220, 29800; Cal. Wel. & Inst. Code §§ 8103-04.) And the City has similar laws designed to prevent gun violence and assist law enforcement in the apprehension of those who misuse firearms. (*See, e.g.*, LAMC § 55.14 (prohibiting the purchase and sale of more than one handgun to the same person in a thirty day period); *id.* § 55.15 (requiring fingerprinting of firearms purchasers).) All of these laws are directly undermined if felons can simply print their own 3D firearms with the assistance of Defense Distributed's blueprints.

In sum, the potential public distribution of Defense Distributed's blueprints would pose a direct and immediate threat to public safety in the City and would directly cause numerous violations of California and City law. We were recently made aware of the hearing this Court will hold this afternoon on the Motion to Intervene by The Brady Campaign to Prevent Gun Violence, Everytown for Gun Safety Action Fund, Inc. and Giffords ("the Proposed Intervenors"). We urge the Court to grant the Proposed Intervenors' Motion, and respectfully apprise the Court of our intent to move to intervene ourselves at our earliest opportunity.

Very truly yours,



By:  
MICHAEL N. FEUER  
Los Angeles City Attorney