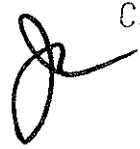


**IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF LOUISIANA**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

2005 SEP 23 PM 12:01

LORETTA G. WHYTE
CLERK



NATIONAL RIFLE ASSOCIATION OF AMERICA, INC.
11250 Waples Mill Rd.
Fairfax, VA 22030,

SECOND AMENDMENT FOUNDATION, INC.)
12500 NE 10th Place
Bellevue, WA 98005,

BUELL O. TEEL
24161 Trairo Road
Ponchatoula, LA 70454

Plaintiffs

v.

C. RAY NAGIN, Mayor of New Orleans

P. EDWIN COMPASS III,
Superintendent of Police, New Orleans

JACK STRAIN, JR., Sheriff,
St. Tammany Parish

JOHN DOES I-VI, Sheriff's Deputies,
St. Tammany Parish,

Defendants

CIVIL ACTION NO. 05-20,000
(Temporary)

Section "A"

CONSENT ORDER

THIS CAUSE came on pursuant to the motion of the plaintiffs, National Rifle Association of America, Inc., Second Amendment Foundation, Inc. and Buell O. Teel for a temporary restraining order and for a preliminary injunction on September 23, 2005.

Present were the following:

Michael A. Patterson, Daniel D. Holliday, III and Adrian G. Nadeau for plaintiffs;

Charles M. Hughes, Jr. for the defendant, Jack Strain, Jr., Sheriff, St. Tammany Parish, Louisiana; and,

___ Fee _____
___ Process _____
 Dktd _____
___ CtRmDep _____
___ Doc. No. _____

Joseph V. DiRosa, Jr. for the defendants, C. Ray Nagin, Mayor of New Orleans and P. Edwin Compass, III, Superintendent of Police for the City of New Orleans.

Defendant, Jack Strain, Jr., Sheriff, St. Tammany Parish, Louisiana, reserving all rights and waiving none, affirmatively denies all of the allegations in the Complaint For Declaratory Judgment and Injunctive Relief, and specifically and affirmatively denies that it was or is the policy, custom or practice of the St. Tammany Parish Sheriff's Office to illegally seize lawfully possessed firearms from citizens, including plaintiff, Buel O. Teel or that Sheriff Strain or any of his deputies, officers, agents, servants or employees illegally confiscated firearms from any citizens or that he has any such firearms in his possession or that any constitutional or statutory right of any plaintiff or other individual has been violated;

Defendants, C. Ray Nagin, Mayor of New Orleans and P. Edwin Compass, III, Superintendent of Police for the City of New Orleans, deny the allegations in the Complaint For Declaratory Judgment and Injunctive Relief and specifically deny that it was or is the policy of the City of New Orleans nor the New Orleans Police Department to illegally seize lawfully possessed firearms from citizens;

Defendants C. Ray Nagin, Mayor of the City of New Orleans, and P. Edwin Compass, III, Superintendent of the Department of Police for the City of New Orleans, specifically deny each and every allegation in the Complaint for Declaratory Judgment and Injunctive Relief and specifically reserving all rights herein and waiving none, assert the following:

1. C. Ray Nagin has not issued, nor has he any intention of issuing, any order, declaration, promulgation, and/or directive pursuant to the authority granted unto him by LSA-R.S. 29:721, et seq., ordering the seizure of any lawfully-possessed firearm from law abiding citizens, nor has C. Ray Nagin delegated any authority granted unto him pursuant to LSA-RS 29:721, et seq. to any other city official, department head, officer, employee, and/or agent of the City of New Orleans including, but not limited to, P. Edwin

Compass, III, Superintendent of the Department of Police for the City of New Orleans and/or Warren Riley, Deputy Superintendent of the Department of Police of the City of New Orleans;

2. P. Edwin Compass, III acknowledges that no authority has been delegated to him by C. Ray Nagin, Mayor of the City of New Orleans, pursuant to the powers granted unto the said Mayor by the provisions of LSA-RS 29:721, et seq. to order the seizure of lawfully-possessed firearms from law abiding citizens and that any and all statements which are allegedly attributed to him in such regard do not represent any policy, statement, ordinance, regulation, decision, custom or practice of either C. Ray Nagin or the City of New Orleans, its agencies and/or departments;
3. C. Ray Nagin and P. Edwin Compass, III affirmatively deny that seizures of lawfully possessed firearms from law abiding citizens has occurred as a result of the actions of officers, city officials, employees and/or agents of the City of New Orleans or any of its departments and further affirmatively deny that any such weapons are presently in the possession of the City of New Orleans, its agents and/or departments;
4. C. Ray Nagin and P. Edwin Compass, III further affirmatively deny that it is the custom, practice and/or policy of the City of New Orleans, either officially or unofficially, to seize and/or confiscate lawfully-possessed firearms from law abiding citizens.

Furthermore, Defendants, Jack Strain, Jr. , Sheriff, St. Tammany Parish, Louisiana, C. Ray Nagin, Mayor of New Orleans and P. Edwin Compass, III, Superintendent of Police for the City of New Orleans reserve all rights that they may have in this matter.

Notwithstanding the above, the parties hereby consent to the entry of the following order:

IT IS ORDERED, ADJUDGED AND DECREED that C. Ray Nagin, Mayor of New Orleans; P. Edwin Compass III, Superintendent of Police for New Orleans; and Jack Strain, Jr., Sheriff, St.

Tammany Parish; and the officers, deputies, agents, servants, and employees of all such persons, and upon those persons in active concert or participation with them, are hereby enjoined and prohibited, until further order of this Court:

1. From confiscating lawfully-possessed firearms from citizens, including, but not limited to, Plaintiff Buell O. Teel and members of Plaintiffs National Rifle Association, Inc. and Second Amendment Foundation, Inc.

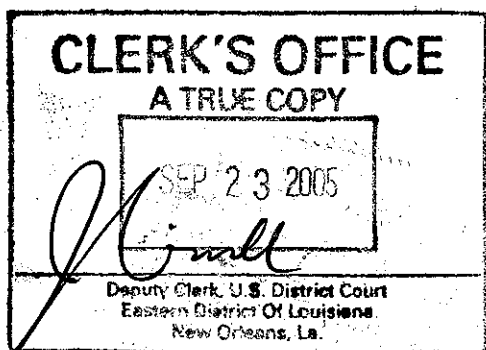
2. And they are further ordered to return any and all firearms which may have been confiscated by Defendants, their officers, deputies, agents, servants, and employees of all such persons from Plaintiff, Buell O. Teel, who plaintiffs have assured the Court is authorized to possess firearms; members of Plaintiff, National Rifle Association, Inc., who lawfully possess firearms; and members of Plaintiff Second Amendment Foundation, Inc., who lawfully possess firearms; and all other persons who lawfully possess them, upon presentation of identification and execution of a receipt therefore.

Nothing in this order shall supercede any declaration of emergency promulgated by the applicable authorities.

DATED this 23rd day of September, 2005.


UNITED STATES DISTRICT JUDGE


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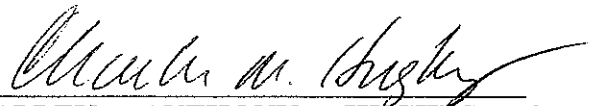
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