

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

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

RAUL RODRIGUEZ, JR., on behalf of)
himself and others similarly situated,)

Plaintiff,)

v.)

DARYL F. GATES, et al.,)

Defendants.)

Case No. CV 00-7427-GAF
ORDER RE: EX PARTE APPLICATION TO LIFT STAY

The Court presently has before it the ex parte application of plaintiff to lift the stay in these proceedings to permit a motion seeking class certification, and to permit the issuance of such subpoenas as are necessary to obtain transcripts of the testimony of Rafael Perez. The ex parte is GRANTED in part and DENIED in part.

The Court is presently preparing an order seeking information from both plaintiffs and defendants in the "Rampart" related cases to assist the Court in understanding and defining the class issues in this case. The Court expects that order to be served on the parties by the end of this week. Until that task is

1 completed, the Court will not entertain motions for class certification, and
2 declines to lift the stay with respect to that portion of the application.

3 With respect to the second request, however, the Court agrees that Rafael
4 Perez is a central figure in the many of the pending Rampart cases and believes
5 that it would be appropriate for the plaintiffs to take steps to obtain copies of
6 transcripts of Perez's testimony and statements. Accordingly, the stay is lifted
7 to permit the all parties in all Rampart cases to take steps to obtain those
8 materials.

9 ACCORDINGLY, IT IS HEREBY ORDERED AS FOLLOWS:

- 10 1. The ex parte application to lift the stay to permit a motion for class
11 certification is DENIED;
- 12 2. The ex parte application to lift the stay to permit the issuance of such
13 subpoenas as are necessary to obtain the testimony and statements of
14 Rafael Perez is GRANTED with respect to all parties in all "Rampart"
15 cases;
- 16 3. With respect to the Perez materials, a representative of the City
17 Attorney's office, counsel for Mr. Perez, and Messrs. Yagman, Lysaght,
18 Yates, and Moreno, who represent a majority of the presently named
19 plaintiffs, are to confer regarding the creation of a central depository to
20 house those materials, a means of identification of the materials contained
21 in the depository (for example, a master numbering system so that each
22 different statement will have its own number, which will be used in all
23 cases), and mechanism by which all parties to the litigation may access
24 the materials. Once the parties have agreed on a procedure to implement
25 these objectives, they should submit a proposed order to the Court to
26 implement the procedure. The Court will thereafter circulate the proposed
27 order giving the remaining litigants an opportunity to comment on its
28

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

terms, and, if necessary, will conduct a hearing to resolve any objections to the terms of the proposed order.

4. The clerk of court is to serve a copy of this order on all parties in all cases presently assigned to Judge Feess as a "Rampart" related case.

Dated: October 25, 2000

Gary Allen Feess
United States District Judge