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Attorneys for Defendant
CITY OF LOS ANGELES

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

LA ALLIANCE FOR HUMAN RIGHTS,
et al.,

Plaintiffs,

v.

CITY OF LOS ANGELES, a Municipal
entity, et al.,

Defendant.

CASE NO. 2:20-cv-02291 DOC (KES)

Honorable David O. Carter,
United States District Judge

**DEFENDANT CITY OF LOS
ANGELES'S REQUEST FOR
FURTHER CLARIFICATION RE
NOVEMBER 19 HEARING**

Date: November 19, 2025
Time: 9:00 a.m.

Action Filed: March 10, 2020

1 The Court issued an order yesterday clarifying the scope of the evidentiary
2 hearing currently scheduled for November 19. Dkt. 1079. The Court explained that the
3 hearing would cover three topics: (1) “The Stipulated Facts (Dkt. 678)” filed in March
4 2024 “that led to the Court’s finding of bad faith in the prior contempt proceeding,”
5 (2) claims of “delay” that purportedly “continues to this day as documented in the
6 Special Master and Monitor’s Reports,” and (3) “whether the City has complied with
7 the obligations of Section 7.1 of the Settlement Agreement.” Three hours later, in an
8 order attached here, the Ninth Circuit stayed this Court’s order appointing Daniel Garrie
9 as the monitor. The City respectfully submits that these two orders, one from this Court
10 and one from the Ninth Circuit, call for further clarification of the scope of the hearing
11 currently scheduled for November 19.

12 First, while the monitor-appointment order is stayed, there is no basis for
13 compelling compliance with that order. The Supreme Court recently held as much,
14 explaining that it is impermissible “to enforce an injunction that [a higher court’s] stay
15 rendered unenforceable” using “civil contempt.” *DHS v. D.V.D.*, 145 S. Ct. 2627, 2629
16 (2025). The City respectfully submits it had been working diligently to comply with
17 Mr. Garrie’s various requests—right up until the moment the Ninth Circuit stayed his
18 appointment yesterday. Nevertheless, there is now no reason to adjudicate whether the
19 City is complying with the monitor-appointment order, unless and until the Ninth Circuit
20 terminates the stay.

21 Second, the City submits that the Court may not impose civil contempt sanctions
22 on the basis of past conduct, as the Court’s clarification order suggests it is
23 contemplating. *See* Dkt. 1079 at 2 (“[A]t the forthcoming hearing on November 19,
24 2025, the Court will consider these past instances of delay in complying with the Court’s
25 orders *as a basis for* holding the City in contempt.” (emphasis added)). Civil contempt
26 serves “two separate and independent purposes.” *Shell Offshore Inc. v. Greenpeace,*
27 *Inc.*, 815 F.3d 623, 629 (9th Cir. 2016). It can be a sanction to compensate a wronged
28 party “‘for losses sustained.’” *Mine Workers v. Bagwell*, 512 U.S. 821, 829 (1994). It

1 can also “coerce[]” a party “into compliance with” a court order. *Id.* When contempt is
2 coercive, “the contemnor is able to purge the contempt . . . by committing an affirmative
3 act, and thus carries the keys of his prison in his own pocket.” *Id.* at 828 (cleaned up).

4 Here, the Alliance has already been compensated for the past conduct identified
5 in the Court’s order. In fact, after the Alliance filed its first motion for settlement
6 compliance in February 2024, Dkt. 668, the City agreed to pay \$725,000 to cover “the
7 LA Alliance’s fees and costs,” Dkt. 713 at 3. (And that was on top of the millions more
8 the City ended up paying for the Alvarez & Marsal assessment.) The Alliance has
9 therefore already been compensated for the past noncompliance it alleged in that
10 February 2024 motion. Any additional sanction for past conduct would allow the City
11 no “opportunity to purge” and thus would be a form of criminal contempt that would
12 require a jury trial and proof of a violation beyond a reasonable doubt. *Bagwell*, 512
13 U.S. at 829, 833–34.

14 Third, at most the November 19 hearing should cover only the third topic this
15 Court identified in yesterday’s order—the City’s efforts to comply with Section 7.1 of
16 the Settlement Agreement—but any evidentiary hearing on this issue is premature. The
17 City, including representatives from the Office of the City Administrative Officer, is
18 meeting with the Alliance, Intervenors, LAHSA, and Special Master Martinez on
19 November 17 to address Section 7.1. It is the City’s hope that this meeting, and ongoing
20 cooperation among the parties and LAHSA after the meeting, will obviate the need for
21 the hearing on November 19. *See* Dkt. 1076 at 141:14–20 (explaining that the Court
22 “can vacate the hearing” if the parties resolve “the 7.1 issues”).

23 Given these developments, the City respectfully requests that the Court vacate the
24 November 19 contempt evidentiary hearing or, at a minimum, further clarify the issues
25 to be addressed.

1 DATED: November 15, 2025

Respectfully submitted,

2 GIBSON, DUNN & CRUTCHER LLP

3 By: /s/ Bradley J. Hamburger
4 Bradley J. Hamburger

5 *Attorneys for Defendant*
6 *CITY OF LOS ANGELES*
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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 14 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LA ALLIANCE FOR HUMAN RIGHTS,

Plaintiff - Appellee,

v.

ORANGE COUNTY CATHOLIC
WORKER; et al.,

Intervenors - Appellees,

CITY OF LOS ANGELES,

Defendant - Appellant.

No. 25-6760

D.C. No.

2:20-cv-02291-DOC-KES

Central District of California,
Los Angeles

ORDER

Before: SILVERMAN, TALLMAN, BUMATAY, Circuit Judges.

The court has received the emergency motion for a stay pending appeal. Dkt. 7. The request for an administrative stay is granted in part and denied in part. An administrative stay “is only intended to preserve the status quo until the substantive motion for a stay pending appeal can be considered on the merits, and does not constitute in any way a decision as to the merits of the motion for stay pending appeal.” *Doe #1 v. Trump*, 944 F.3d 1222, 1223 (9th Cir. 2019).

The district court’s October 14, 2025, appointment order is temporarily stayed pending further order. *Id.* To the extent that Defendant-Appellant requests an administrative stay of contempt proceedings scheduled for November 19, 2025, that

request is denied. The district court is free to proceed with that hearing.

The response to the emergency motion is due November 24, 2025. The optional reply in support of the motion is due December 1, 2025. Fed. R. App. P. 27(a)(3).

Administrative Stay GRANTED IN PART AND DENIED IN PART.