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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)

Hon. David O. Carter
United States District Judge

**DEFENDANT CITY OF LOS
ANGELES'S REQUEST FOR
CONTINUANCE OF MAY 27, 2025
HEARING**

TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:

For two reasons, the City of Los Angeles respectfully requests that the Court
continue the May 27, 2025 hearing for two days to May 29, 2025. Plaintiffs have said

1 they oppose this modest request, even though the City was willing to agree to a briefing
2 schedule that would have given Plaintiffs the same amount of time to file their post-
3 hearing briefs and would have concluded the post-hearing briefing on the existing June
4 16, 2025 deadline.

5 *First*, the City has objected to any effort to require Mayor Karen Bass or sitting
6 Councilmembers to attend the hearing or take the stand, and will object again in writing
7 no later than Friday, but the Court has not yet ruled on those objections. With just two
8 business days between today and the hearing, the City does not know whether the Court
9 will compel Mayor Bass or sitting Councilmembers to testify and thus cannot properly
10 prepare for the hearing.

11 The City has serious objections to the prospect of the Court compelling Mayor
12 Bass or sitting Councilmembers to testify. Any such order would violate the principles
13 of the apex doctrine. An apex witness, such as the CEO of a company or, in this case,
14 the chief executive of the second-biggest city in the country, should be compelled to
15 testify only when (1) she has unique knowledge of the facts at issue and (2) the party
16 seeking her testimony “has exhausted other less intrusive methods.” *Pinn, Inc. v. Apple*
17 *Inc.*, [2021 WL 4775969](#), at *2 (C.D. Cal. Sept. 10, 2021) (granting motion for protective
18 order as to senior executive of Apple who lacked unique first-hand knowledge); *see also*
19 *K.C.R. v. Cnty. of Los Angeles*, [2014 WL 3434257](#) (C.D. Cal. 2014) (denying motion
20 for order compelling the deposition of Los Angeles County undersheriff). Plaintiffs
21 can’t make that showing. Mayor Bass and other elected officials aren’t the *only*
22 witnesses who could testify about the City’s efforts to create more beds, reduce
23 encampments, and otherwise comply with the terms of the agreements. Other city
24 witnesses are well-versed in these issues and would, in fact, be *better* suited than Mayor
25 Bass or a Councilmember to testify.

26 Specifically, City Administrative Officer Matt Szabo and Deputy Mayor of
27 Homelessness and Community Health Dr. Etsemaye Agonafer work on homelessness
28

1 issues every single day. They're the ones who *report* to Mayor Bass and other City
2 officials on the City's efforts to house and otherwise assist the homeless. Mayor Bass
3 and City officials rely on the information they provide to make decisions about City
4 policy. And to the extent the Plaintiffs seek to peer behind those decisions—to
5 understand what Mayor Bass or other City officials were thinking and why—that line of
6 questioning would invade the deliberate process privilege. *William Jefferson & Co.,*
7 *Inc. v. Bd. of Assessment & Appeals No. 3 for Orange Cnty.*, 482 Fed. Appx. 273, 274
8 (9th Cir. 2012). In short, Mayor Bass and a sitting Councilmember cannot provide the
9 Plaintiffs what they seek; if they want information about the City's efforts on
10 homelessness and compliance with the agreements, there are more knowledgeable
11 witnesses, and the Plaintiffs may not call Mayor Bass or a Councilmember to second
12 guess the decisions they made based on that information.

13 The Court should resolve these serious objections to the prospect of compelled
14 testimony from Mayor Bass or other apex witnesses with sufficient time before the
15 hearing. And if the Court is inclined to order Mayor Bass or a Councilmember to testify,
16 it should give the City an opportunity to be heard on that question first.

17 *Second*, given the importance of this case and the extraordinary nature of the
18 remedies sought by Plaintiffs, the City has just hired outside counsel, Gibson, Dunn &
19 Crutcher LLP. Gibson Dunn would appreciate additional time to prepare to question
20 witnesses and present argument regarding Plaintiffs' requested remedies, including the
21 unprecedented receivership request. Granting a short continuance would ensure that the
22 City's counsel has an adequate opportunity to prepare arguments that will be helpful to
23 the Court.

24 The City respectfully requests that the Court continue the May 27, 2025 hearing
25 for two days to May 29, 2025.
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1 DATED: May 21, 2025

Respectfully submitted,

2 GIBSON, DUNN & CRUTCHER LLP

3 By: /s/ Theane Evangelis
4 Theane Evangelis

5 Attorneys for Defendant
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