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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LA ALLIANCE FOR HUMAN
RIGHTS, *et al.*,

Plaintiffs,

v.

CITY OF LOS ANGELES, *et al.*,

Defendants.

Case No. 2:20-CV-02291-DOC-KES

Assigned to Judge David O. Carter

**PLAINTIFF'S OPPOSITION TO
DEFENDANT CITY'S REQUEST
FOR CONTINUANCE**

Before: Hon. David O. Carter
Courtroom: 10A

Plaintiff LA Alliance for Human Rights ("LA Alliance") hereby opposes and objects to Defendant City's request for continuance of the May 27, 2025 hearing. As a preliminary matter, it is procedurally improper and does not meet the requirements for ex parte applications contained in Local Rule 7-19, this court's standing order, or the standards articulated in *Mission Power Engineering Co. v. Continental Casualty Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995)

Moreover, Defendant City has been aware of the date set for this hearing since May 13, 2025, when the Court continued the evidentiary hearing on Plaintiff's multiple pending motions. (Minute Order, May 13, 2025, ECF No. 900.) And Defendant City has known about Plaintiff's intent and request to call Mayor Bass and

1 Councilmember Rodriguez to testify since at least May 9, 2025, when City’s counsel
2 was included in an email to chambers requesting clarification. (*See* Defs.’ Objs. to Pl.’s
3 Resp. re Issues Raised by the Court (“Defs.’ Objs.”) Ex. 3, Email, dated May 9, 2025,
4 ECF No. 903–03.) Indeed, on May 13, Defendant City responded with various
5 objections, including to Plaintiff calling “apex” witnesses. (Defs.’ Objs. at 3, ECF No.
6 903.)

7 At the May 15 hearing, Defendant City was given an opportunity to continue the
8 May 27, 2025 hearing and briefing on the pending issues by stipulating to refrain from
9 arguing that this Court loses jurisdiction over the Roadmap Agreement on June 30,
10 2025; the City declined to do so. (Hr’g Tr. at 34–38, May 15, 2025, ECF 909.) Indeed,
11 rather than continue the hearing or extending the briefing schedule, Defendant City
12 agreed to Plaintiff’s proposal to limit the hearing to a maximum of four days, with a
13 stipulated briefing schedule thereafter (*Id.* at 37:8–14.) (“[W]e have just agreed . . . the
14 hearing will be done by May 30th, upon agreement of all parties. We will then by June
15 2nd, the Alliance will submit its evidentiary cites, one week later by June 9th the City
16 will oppose. And one week later, the 16th will be due the replies, and then any
17 additional briefing by the County or the intervenors if they so choose.”)

18 Additionally, Plaintiff and Defendant City discussed submitting early
19 supplemental briefing on the Apex Witness Doctrine, to request an early decision by
20 the Court so both parties may be better prepared for the hearing. (Declaration of
21 Elizabeth Mitchell (“Mitchell Decl.”) ¶¶ 2–3.) Plaintiff’s counsel sent a proposed
22 stipulation—based on historical cites by both parties—on Sunday, May 18. (*Id.* ¶ 4.)
23 Plaintiff has received no response at all from the City’s counsel—on any issue—
24 despite multiple emails over the last several days. (*Id.* ¶ 5.) Had Defendant City acted
25 diligently, the Apex Witness issue would be fully briefed and before this court for
26 decision already.

27 While Plaintiff is sympathetic to the difficult situation new counsel finds
28 themselves in, that was new counsel’s choice to represent the City under the pending

1 schedule. The City cannot now object based on lack of time to prepare when the City
2 has been well aware of these pending issues for quite some time, had an opportunity to
3 continue the hearing and briefing schedule but declined, and waited until six (6) days
4 prior to the upcoming hearing to hire additional counsel (during an alleged budget
5 crisis). And given that the LA City Attorney's Office appears on the most recent
6 caption, and no notice of withdrawal has been filed, it appears that the City's historic
7 counsel will still be present to participate.

8 Plaintiff respectfully requests this Court deny Defendant City's request for
9 continuance.

10
11 Dated: May 22, 2025

Respectfully submitted,

12 /s/ Elizabeth A. Mitchell

13 UMHOFFER, MITCHELL & KING, LLP
14 Matthew Donald Umhofer (SBN 206607)
Elizabeth A. Mitchell (SBN 251139)

15 *Attorneys for Plaintiffs*
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6 *Attorneys for Plaintiffs*

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**DECLARATION OF ELIZABETH
A. MITCHELL IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT CITY'S REQUEST
FOR CONTINUANCE**

1 I, Elizabeth A. Mitchell, hereby declare as follows:

2 1. I am an attorney at the law firm of Umhofer, Mitchell & King LLP, and I
3 represent Plaintiffs LA Alliance for Human Rights (the "Alliance"), Joseph Burk,
4 George Frem, Wenzial Jarrell, Charles Malow, Karyn Pinsky, and Harry Tashdjian
5 ("Plaintiffs") in this action. I submit this declaration in support of Plaintiff's Opposition
6 to Defendant City's Request for Continuance. Except for those that are stated upon
7 information and belief, I have personal knowledge of the facts set forth herein, and if
8 called and sworn as a witness, I could and would testify competently thereto.

9 2. On May 15, 2025, I emailed counsel for the City proposing that the parties'
10 joint stipulation regarding the Apex Witness objections be submitted to the court earlier
11 than May 23, to facilitate an earlier ruling by the court so the parties may be better
12 prepared. Attached hereto as **Exhibit A** is a true and correct copy of that email.

13 3. That same day, May 16, 2025, Defendant's counsel, Arlene Hoang, agreed
14 that early briefing was a good idea and requested that I send the proposed stipulation to
15 her. Attached hereto as **Exhibit B** is a true and correct copy of Ms. Hoang's response.

16 4. On Sunday, May 18, 2025, I emailed Defendant City three attorneys,
17 Arlene Hoang, Scott Marcus, and Jessica Mariani, a copy of Defendant's proposed joint
18 stipulation. Attached hereto as **Exhibit C** is a true and correct copy of that email.

19 5. I never received a response from Defendant City's counsel to my May 18,
20 2025, proposed joint stipulation. Nor have I received any response from Defendant
21 City's counsel to any email I sent over the last several days discussing hearing logistics,
22 until I received a call from new counsel on May 21, 2025, requesting a continuance.

23 I declare under penalty of perjury under the laws of the State of California and the
24 United States of America that the foregoing is true and correct to the best of my
25 knowledge and belief.

26 Executed on May 22, 2025 at Los Angeles, California.

27
28 /s/ Elizabeth A. Mitchell

Elizabeth A. Mitchell

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Exhibit A

From: [Elizabeth Mitchell](#)
To: [Scott Marcus](#); [Arlene Hoang](#)
Cc: [Jessica Mariani](#); [Matthew Umhofer](#); [Jon Powell](#)
Subject: RE: Joint Stip re Briefing and Submissions
Date: Thursday, May 15, 2025 6:25:00 PM
Attachments: [image001.png](#)

Scott and Arlene:

I accidentally left off the bit about the Apex witness doctrine in the stipulation, but it also occurs to me that it would be helpful (to both sides) to know the court's ruling earlier rather than later. So I suggest we submit our joint stip earlier than the 23rd—tomorrow? I can put together both sides arguments (taken from your recent submission and what we filed last year) and we request a fast (24-48 hour) ruling from the court.

Let me know if this works for you.

Thanks,
Liz

From: Elizabeth Mitchell
Sent: Thursday, May 15, 2025 2:56 PM
To: Scott Marcus <scott.marcus@lacity.org>; Arlene Hoang <arlene.hoang@lacity.org>
Cc: Jessica Mariani <jessica.mariani@lacity.org>; Matthew Umhofer <matthew@umklaw.com>; Jon Powell <jon@umklaw.com>
Subject: Joint Stip re Briefing and Submissions

Scott and Arlene:

Please see attached draft and advise re edits or comments. I believe are deadline to file is tomorrow at noon.

Best,
Liz

ELIZABETH A. MITCHELL
Partner



Phone: (213) 394-7979
Email: elizabeth@umklaw.com

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767 S. Alameda St., Suite 270
Los Angeles, CA 90021
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www.umklaw.com

Exhibit B

From: [Arlene Hoang](#)
To: [Elizabeth Mitchell](#)
Cc: [Scott Marcus](#); [Jessica Mariani](#); [Matthew Umhofer](#); [Jon Powell](#)
Subject: Re: Joint Stip re Briefing and Submissions
Date: Friday, May 16, 2025 9:27:17 AM
Attachments: [image001.png](#)

Dear Liz,

We agree it makes sense to tee up this issue sooner rather than later. Please provide the document you are proposing for our review and consideration. But to be clear, I am not guaranteeing or representing that we can turn this around today.

Arlene Hoang
Deputy City Attorney
Office of the Los Angeles City Attorney
Business and Complex Litigation Division
200 N. Main Street, Room 675
Los Angeles, CA 90012
T: 213-978-7508
F: 213-978-7011
Arlene.Hoang@lacity.org

On Fri, May 16, 2025 at 9:18 AM Elizabeth Mitchell <elizabeth@umklaw.com> wrote:

Thanks Arlene. Thoughts on submitting our Apex witness issue to the court earlier than the 23rd?

From: Arlene Hoang <arlene.hoang@lacity.org>
Sent: Friday, May 16, 2025 9:06 AM
To: Elizabeth Mitchell <elizabeth@umklaw.com>
Cc: Scott Marcus <scott.marcus@lacity.org>; Jessica Mariani <jessica.mariani@lacity.org>; Matthew Umhofer <matthew@umklaw.com>; Jon Powell <jon@umklaw.com>
Subject: Re: Joint Stip re Briefing and Submissions

Good morning Liz,

Pursuant to, and in compliance with, the Court's Order to submit in writing the briefing schedule as stated on the record yesterday (Dkts. 906 and 907), attached please find the City's revisions to the document you circulated yesterday. If these

revisions are acceptable to Plaintiff, please file it before noon. If Plaintiff has any additional revisions, please provide them to us, and the City will need to approve any changes before the City consents to filing.

Arlene Hoang

Deputy City Attorney

Office of the Los Angeles City Attorney

Business and Complex Litigation Division

200 N. Main Street, Room 675

Los Angeles, CA 90012

T: 213-978-7508

F: 213-978-7011

Arlene.Hoang@lacity.org

On Thu, May 15, 2025 at 2:55 PM Elizabeth Mitchell <elizabeth@umklaw.com> wrote:

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Best,

Liz

ELIZABETH A. MITCHELL

Phone: (213) 394-7979

Email: elizabeth@umklaw.com

Partner

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Exhibit C

From: [Elizabeth Mitchell](#)
To: [Arlene Hoang](#)
Cc: [Scott Marcus](#); [Jessica Mariani](#); [Matthew Umhofer](#); [Jon Powell](#)
Subject: RE: Joint Stip re Briefing and Submissions
Date: Sunday, May 18, 2025 5:25:00 PM
Attachments: [image001.png](#)
[Joint Stip re Apex-Deliberative.3.docx](#)

Hi Arlene,

See attached joint stipulation. Please edit your portion and send back, or give me permission to file on your behalf. Please note we reserve the right to edit Plaintiff's portion in response to Defendant's edits.

Thanks,
Liz

From: Arlene Hoang <arlene.hoang@lacity.org>
Sent: Friday, May 16, 2025 9:27 AM
To: Elizabeth Mitchell <elizabeth@umklaw.com>
Cc: Scott Marcus <scott.marcus@lacity.org>; Jessica Mariani <jessica.mariani@lacity.org>; Matthew Umhofer <matthew@umklaw.com>; Jon Powell <jon@umklaw.com>
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Cc: Scott Marcus <scott.marcus@lacity.org>; Jessica Mariani <jessica.mariani@lacity.org>;

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