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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

**NOTICE OF EX PARTE  
APPLICATION FOR ORDER  
QUASHING SUBPOENAS**

Trial Date: None Set  
Action Filed: March 10, 2020

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT Defendant City of Los Angeles will and hereby  
3 does move the Court, pursuant to Rule 45(d)(3) of the Federal rules of Civil Procedure  
4 for an order quashing the May 21, 2025 subpoenas of Mayor Karen Bass and  
5 Councilmember Monica Rodriguez and the May 23, 2025 subpoena of Councilmember  
6 Traci Park. This motion is based upon the attached Memorandum of Points and  
7 Authorities, the [declaration of Theane Evangelis](#), the pleadings and papers on file in this  
8 action, and any argument or further evidence presented in connection with this  
9 application. Plaintiffs have indicated that they oppose this application.

10 Plaintiffs' opposing papers must be filed no later than twenty-four (24) hours  
11 following service of this application.  
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1 DATED: May 23, 2025

Respectfully submitted,

2  
3 BY: /s/ Theane Evangelis  
Theane Evangelis

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18 *CITY OF LOS ANGELES*

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CITY OF LOS ANGELES, a Municipal  
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Defendant.

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

Honorable David O. Carter,  
United States District Judge

**MEMORANDUM IN SUPPORT OF  
APPLICATION FOR ORDER  
QUASHING SUBPOENAS**

Dept: 7A

Trial Date: None Set  
Action Filed: March 10, 2020

1 **I. INTRODUCTION**

2 Less than one week before the May 27 evidentiary hearing, the Alliance  
3 subpoenaed the Mayor of Los Angeles and two City Councilmembers. Declaration of  
4 Theane Evangelis (“Evangelis Decl.”), Exs. A, B, C. None of these witnesses has  
5 unique, first-hand knowledge of the pertinent facts, nor has the Alliance exhausted other,  
6 less intrusive discovery methods. Given the upcoming hearing and these last-minute  
7 subpoenas, *ex parte* relief is required because there is “insufficient time to bring a  
8 regularly noticed motion.” *Thompson v. Cnty. of Riverside*, [2023 WL 8168859](#), at \*3  
9 (C.D. Cal. July 26, 2023) (granting *ex parte* application to quash deposition subpoenas).  
10 The parties have separately filed a Joint Stipulation objecting to the subpoenas and  
11 addressing many of these same issues. But in an abundance of caution, and given the  
12 importance of these issues, the City separately files this Application to request specific  
13 relief as to the Alliance’s subpoenas and to address the subpoenas’ deficiency as to  
14 timing. The Court should quash the subpoenas in full. At a minimum, the Court should  
15 stay enforcement of the subpoenas while the City petitions the Ninth Circuit for a writ  
16 of mandamus.

17 As required by Local Rule 7-19.1, the City provided the Alliance’s counsel with  
18 oral and emailed notice of this *ex parte* application. The Alliance indicated that it  
19 opposes the application to quash the subpoenas at issue. *See* Evangelis Decl. ¶¶ 3, 4.

20 **II. ARGUMENT**

21 The Alliance’s apex-witness subpoenas should be quashed for at least three  
22 independent reasons. First, they impose an “undue burden” on the high-ranking City  
23 officials they seek to force to testify. [Fed. R. Civ. P. 45\(d\)\(3\)\(A\)\(iv\)](#). Second, they  
24 “require[] disclosure of privileged or other protected matter” by intruding upon issues  
25 protected by the deliberative-process privilege. [Fed. R. Civ. P. 45\(d\)\(3\)\(A\)\(iii\)](#). And  
26 third, they “fail[] to allow a reasonable time to comply.” [Fed. R. Civ. P. 45\(d\)\(3\)\(A\)\(i\)](#).  
27  
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**A. The Apex Doctrine Bars the Alliance’s Attempt to Force the Mayor and Councilmembers to Testify**

Parties generally cannot depose or call to testify high-level (or apex) governmental officials. This prohibition applies to requests for testimony from high-level officials at all levels of government. *See, e.g., United States v. Morgan*, 313 U.S. 409, 422 (1941) (federal cabinet secretary); *Kyle Engineering Co. v. Kleppe*, 600 F.2d 226, 231 (9th Cir. 1979) (federal agency head); *Coleman v. Schwarzenegger*, 2008 WL 4300437, at \*4 (E.D. Cal. Sept. 15, 2008) (state governor); *Sargent v. City of Seattle*, 2013 WL 1898213, at \*3 (W.D. Wash. May 7, 2013) (city police chief). And it protects both executive officials like mayors, *e.g., Marisol A. v. Giuliani*, 1998 WL 132810, at \*4 (S.D.N.Y. Mar. 23, 1998); *Bogan v. City of Boston*, 489 F.3d 417, 423 (1st Cir. 2007), and legislative officials like councilmembers, *e.g., Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 268 n.18 (1977).

Calling an apex witness to testify is an extraordinary request that requires “extraordinary circumstances.” *K.C.R. v. Cnty. of Los Angeles*, 2014 WL 3434257, at \*3 (C.D. Cal. July 11, 2014). The apex doctrine prevents parties from obtaining testimony from high-level officials unless, at minimum, the official “has unique first-hand, non-repetitive knowledge of the facts at issue in the case,” plus “the party seeking the deposition” (or, as here, live testimony at a hearing) “has exhausted other less intrusive discovery methods.” *Id.* These circumstances are met only rarely because testimony from apex witnesses is supposed to be rare. High-level officials—and, in particular, mayors of large cities—“ha[ve] large demands on [their] time.” *Marisol A.*, 1998 WL 132810, at \*4. An attempt to seek testimony from an apex witness “creates a ‘tremendous potential for abuse or harassment.’” *K.C.R.*, 2014 WL 3434257, at \*3. Magnifying that potential for harassment, a large city like Los Angeles at any given time could be involved in hundreds, if not thousands, of active cases. And the apex doctrine, at bottom, reflects a fundamental principle of comity: The Judiciary should not subject high-level governmental officials like Mayor Bass and Councilmembers Rodriguez and

1 Park to undue scrutiny. *See Morgan*, 313 U.S. at 422.

2 The Alliance has not disputed that the apex doctrine applies to Mayor Bass and  
3 the Councilmembers. After all, Mayor Bass leads the second-largest city in the Nation—  
4 she is at the apex of apex witnesses in Los Angeles. *See, e.g., Bogan*, 489 F.3d at 423  
5 (holding that the mayor of Boston, the 25th-largest city, is an apex witness). The  
6 Alliance therefore must demonstrate *both* that Mayor Bass and the Councilmembers  
7 “ha[ve] direct personal information of material issues in the action” *and* “that the  
8 information may not be gained from any other source.” *Sargent*, 2013 WL 1898213, at  
9 \*3; *accord, e.g., Coleman*, 2008 WL 4300437, at \*2.

10 The Alliance doesn’t even clear the first bar of proving that Mayor Bass and the  
11 Councilmembers have personal information relevant to deciding the issues before this  
12 Court. This Court has jurisdiction only to determine compliance with the Settlement  
13 Agreement, which was the only agreement over which this Court retained jurisdiction  
14 when dismissing the Alliance’s claims against the City. Dkt. 429-1 ¶ 2; *see Kokkonen*  
15 *v. Guardian Life Ins. Co.*, 511 U.S. 375, 381 (1994). The Alliance’s motions for  
16 compliance raise discrete issues regarding whether the City has created the number of  
17 beds it agreed to create, and whether the City used its best efforts to comply with certain  
18 milestones under the agreement. *See* Dkts. 767, 863. The Alliance never explains how  
19 Mayor Bass and the Councilmembers have critical, firsthand knowledge of those  
20 specific issues. Instead, the Alliance has referred primarily to Mayor Bass’s leadership  
21 role within the City—precisely why the apex doctrine *protects* her from rather than  
22 exposes her to being called as a witness. The Alliance’s basis for calling the  
23 Councilmembers is equally thin: a few allegedly critical comments about unspecified  
24 aspects of the City’s homelessness response without substantiating any connection to  
25 the City’s compliance with the settlement agreement.

26 Just as fundamentally, the Alliance doesn’t even try to explain why Mayor Bass  
27 and the Councilmembers *alone* possess information that they need to try to prove  
28 noncompliance with the Settlement Agreement. *See Marisol A.*, 1998 WL 132810, at



\*5 (blocking deposition of New York mayor because plaintiff had not established that information was “not available from any other source”). Nor could they: The City officials who are *most* knowledgeable about compliance with the Settlement Agreement are City Administrative Officer Matthew Szabo and Deputy Mayor of Homelessness and Community Health Dr. Etsemaye Agonafer—not Mayor Bass or the Councilmembers. *See* Dkt. 918 at 2–3. The Alliance has not cited a single case holding that a court can force a high-ranking official to testify merely on the grounds of personal knowledge of *something*, let alone where the plaintiff does not even attempt to exhaust all other avenues to secure information relevant to the case.

The apex doctrine recognizes that subpoenas directed to high-ranking governmental officers typically impose “undue burden” on the government’s proper functioning. Fed. R. Civ. P. 45(d)(1). This case is no exception. Mayor Bass and Councilmembers Rodriguez and Park would have to prepare on short notice over a holiday weekend to testify under oath on specific matters concerning compliance with the Settlement Agreement where they are not the most knowledgeable witnesses available. The Alliance has identified no case supporting such an imposition on high-ranking governmental officials—because none exists.

**B. The Subpoenas Seek Disclosure of Information Protected by the Deliberative-Process Privilege**

To the extent the Alliance seeks testimony regarding Mayor Bass’s and the Councilmembers’ private communications and decision-making processes when crafting and implementing the City’s homelessness policy, that information is protected by the deliberative-process privilege. That privilege is rooted in the “fundamental, historically enshrined legal principle that precludes any judicially authorized inquiry into the subjective motives or mental processes of legislators.” *Cnty. of Los Angeles v. Superior Court*, 13 Cal. 3d 721, 726 (1975). The privilege blocks “the disclosure of materials would expose an agency’s decisionmaking process in such a way as to discourage candid discussion within the agency and thereby undermine the agency’s



ability to perform its functions.” *Lab. & Workforce Dev. Agency v. Superior Court*, 19 Cal. App. 5th 12, 27 (2018) (quoting *Dudman Commc’ns v. Dep’t of Air Force*, 815 F.2d 1565, 1568 (D.C. Cir. 1987)).

The Alliance’s attempts to avoid the apex doctrine are not only unsuccessful on their own terms but also bring them into direct conflict with the deliberative-process privilege. Compelling Mayor Bass and the Councilmembers to testify would deter frank deliberations on future issues and take them away from the important day-to-day duties they were elected to fulfill. Unsurprisingly, courts have found that similar probing into city officials’ mental processes is protected by the deliberative-process privilege. *See, e.g., San Joaquin Cnty. Loc. Agency Formation Comm’n v. Superior Court*, 162 Cal. App. 4th 159, 170 (2008) (prohibiting plaintiff from deposing local officials because of deliberative-process privilege); *Bd. of Supervisors v. Superior Court*, 32 Cal. App. 4th 1616, 1626–27 (1995) (holding that the deliberative-process privilege protected the Los Angeles County Board of Supervisors’ decision-making process). The Alliance’s apparent desire to peer into the minds of the City’s elected officials is particularly inappropriate because the information is—at best—only tangentially relevant to the issues raised in its motions—again, whether the City has created the number of beds it agreed to create, and whether the City used its best efforts to comply with the agreed-upon encampment resolution milestones. *See FTC v. Warner Commc’ns Inc.*, 742 F.2d 1156, 1161 (9th Cir. 1984) (per curiam) (considering relevance of sought evidence in weighing privilege).

### **C. The Subpoenas Do Not Allow a Reasonable Time to Comply**

The subpoenas’ unreasonably short time to comply is an independently sufficient reason the Court should quash them. *See MAP Co. v. Lebanese Arak Corp.*, 2017 WL 10434017, at \*4 (C.D. Cal. Oct. 26, 2017) (quashing subpoenas “providing less than ten days to comply”); *Gordon v. Sonar Cap. Mgmt. LLC*, 2015 WL 1227848, at \*2 (N.D. Cal. Mar. 15, 2015) (“courts generally have found that fewer than ten days is not reasonable”); *Free Stream Media Corp. v. Alphonso Inc.*, 2017 WL 6209309, at \*4 (N.D.

1 Cal. Dec. 8, 2017) (“nine or ten days to comply with the subpoena . . . was not reasonable  
2 given the timing and scope of the subpoena”); *United States v. Philip Morris Inc.*, 312  
3 F. Supp. 2d 27, 36–37 (D.D.C. 2004) (“Needless to say, notice of three business days,  
4 especially to busy litigators who need to prepare to testify about events occurring six to  
5 nine years previously, does not constitute ‘reasonable notice.’”).

6 Today, on the eve of Memorial Day weekend, the Alliance served its subpoena  
7 for Councilmember Park, just five calendar days (two business days) before the date it  
8 seeks to compel her testimony (May 28). Evangelis Decl. Ex. C. Two business days is  
9 a patently unreasonable amount of time to sufficiently prepare to testify under oath on  
10 these issues. The Alliance’s timing as to the other two witnesses is also unreasonable:  
11 just eight calendar days (four business days) for Mayor Bass and just seven calendar  
12 days (three business days) for Councilmember Rodriguez. Evangelis Decl. Exs. A, B.  
13 The City has consistently told the Alliance that it objects to these witnesses—non-parties  
14 to the suit—being forced to testify, so the only way the Alliance could secure their  
15 testimony would be through subpoenas, which the Alliance didn’t serve until this week  
16 (or, in the case of Councilmember Park, today). *See Green v. Baca*, 226 F.R.D. 624,  
17 653 (C.D. Cal. 2005) (reasoning that the “appropriate procedure” for a likely witness to  
18 challenge an order to testify “would be . . . to file a motion to quash if and when he is  
19 served with a trial subpoena”).

### 20 **III. CONCLUSION**

21 This Court should quash the subpoenas directing Mayor Bass and  
22 Councilmembers Rodriguez and Park to testify next week. If the Court is inclined to  
23 deny this application, it should at a minimum stay enforcement of the subpoenas while  
24 the City petitions the Ninth Circuit for a writ of mandamus.

1 DATED: May 23, 2025

Respectfully submitted,

2  
3 BY: /s/ Theane Evangelis  
Theane Evangelis

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17 *Attorneys for Defendant*  
18 *CITY OF LOS ANGELES*

**L.R. 7-19 COUNSEL LISTING**

Pursuant to Local Rule 7-19, below are the names and contact information for  
Plaintiffs' counsel of record:

UMHOFER, MITCHELL & KING LLP

Matthew Donald Umhofer

Elizabeth A. Mitchell

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Facsimile: (213) 529-1027

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**CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for City of Los Angeles, certifies that this application contains 2,003 words, excluding the portions exempted by and complying with Local Rule 11-6.1.

Dated: May 23, 2025

By: /s/ Theane Evangelis  
Theane Evangelis

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18 LA ALLIANCE FOR HUMAN RIGHTS,  
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19 Plaintiffs,

20 v.

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

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

Honorable David O. Carter,  
United States District Judge

**DECLARATION OF THEANE  
EVANGELIS IN SUPPORT OF EX  
PARTE APPLICATION TO  
QUASH SUBPOENAS**

**DECLARATION OF THEANE EVANGELIS**

I, Theane Evangelis, declare as follows:

1. I am an attorney admitted to practice law in the State of California. I am a partner at the law firm Gibson, Dunn & Crutcher LLP, and I am one of the attorneys representing Defendant City of Los Angeles in the above-referenced action. I submit this declaration in support of the City's *Ex Parte* Application for Order Quashing Subpoenas. If called and sworn as a witness, I could and would testify competently to the following:

2. On May 21, 2025, at 5:25 p.m., counsel for Plaintiff LA Alliance for Human Rights emailed me subpoenas ordering Councilmember Monica Rodriguez and Mayor Karen Bass to appear and testify on May 28, 2025, and May 29, 2025, respectively. True and correct copies of the subpoenas are attached as **Exhibits A and B**.

3. On May 22, 2025, and May 23, 2025, my partners Kahn Scolnick and Bradley Hamburger informed counsel for the Alliance via email that the City would seek *ex parte* relief to quash the subpoenas and that the Alliance's opposition, if any, must be filed no later than 24 hours following service of the Application.

4. On May 23, 2025, at 11:12 a.m., counsel for the Alliance emailed me a subpoena ordering Councilmember Traci Park to appear and testify on May 28, 2025. A true and correct copy of the subpoena is attached as **Exhibit C**.



1           5. On May 23, 2025, Mr. Scolnick orally informed Plaintiff's counsel,  
2 Elizabeth A. Mitchell, of the City's intent to file this Application. Ms. Mitchell  
3 confirmed that the Alliance would oppose the City's Application.  
4

5           I declare under penalty of perjury under the laws of the United States and the State  
6 of California that the foregoing is true and correct, and that I executed this Declaration  
7 at Los Angeles, California. Executed this 23rd day of May, 2025.  
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Theane Evangelis  
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# EXHIBIT A

UNITED STATES DISTRICT COURT

for the

Central District of California

LA Alliance for Human Rights, et al.

*Plaintiff*

v.

City of Los Angeles, et al.

*Defendant*

Civil Action No. 2:20-cv-02291-DOC-KES

**SUBPOENA TO APPEAR AND TESTIFY  
AT A HEARING OR TRIAL IN A CIVIL ACTION**

To: Councilmember Monica Rodriguez, City Hall, 200 N. Spring St., Los Angeles, CA 90012

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: First Street Courthouse  
350 W. 1st Street  
Los Angeles, CA 90012

Courtroom No.: 1

Date and Time: 05/28/2025 9:00 am

You must also bring with you the following documents, electronically stored information, or objects *(leave blank if not applicable)*:  
n/a

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/21/2025

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)*

LA Alliance for Human Rights, who issues or requests this subpoena, are:

Elizabeth A. Mitchell, Umhofer, Mitchell & King LLP, 767 S. Alameda St., Suite 270, Los Angeles, CA 90021  
Email: elizabeth@umklaw.com; Telephone: 213-394-7979

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88 (Rev. 02/14) Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action (page 2)

Civil Action No. 2:20-cv-02291-DOC-KES

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* Councilmember Monica Rodriguez  
on *(date)* 05/21/2025 .

☒ I served the subpoena by delivering a copy to the named person as follows: via email as agreed upon  
between the parties

\_\_\_\_\_ on *(date)* 05/21/2025 ; or

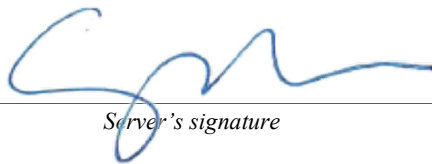
☐ I returned the subpoena unexecuted because: \_\_\_\_\_  
\_\_\_\_\_ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ 40.00 . To be presented to the witness at the hearing.

My fees are \$ 0.00 for travel and \$ 0.00 for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 05/21/2025



*Server's signature*

Elizabeth A. Mitchell, Attorney for Plaintiffs

*Printed name and title*

Umhofer, Mitchell & King LLP  
767 S. Alameda St., Suite 270  
Los Angeles, CA 90021

*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
for the  
Central District of California

LA Alliance for Human Rights, et al.

*Plaintiff*

v.

City of Los Angeles, et al.

*Defendant*

Civil Action No. 2:20-cv-02291-DOC-KES

**SUBPOENA TO APPEAR AND TESTIFY  
AT A HEARING OR TRIAL IN A CIVIL ACTION**

To: Mayor Karen Bass, City Hall, 200 N. Spring St., Los Angeles, CA 90012

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: First Street Courthouse  
350 W. 1st Street  
Los Angeles, CA 90012

Courtroom No.: 1

Date and Time: 05/29/2025 9:00 am

You must also bring with you the following documents, electronically stored information, or objects *(leave blank if not applicable)*:  
n/a

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/21/2025

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)*

LA Alliance for Human Rights, who issues or requests this subpoena, are:

Elizabeth A. Mitchell, Umhofer, Mitchell & King LLP, 767 S. Alameda St., Suite 270, Los Angeles, CA 90021  
Email: elizabeth@umklaw.com; Telephone: 213-394-7979

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



Civil Action No. 2:20-cv-02291-DOC-KES

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* Mayor Karen Bass  
on *(date)* 05/21/2025 .

☒ I served the subpoena by delivering a copy to the named person as follows: via email as agreed upon  
between the parties.

\_\_\_\_\_ on *(date)* 05/21/2025 ; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ 40.00 . To be presented to the witness at the hearing.

My fees are \$ 0.00 for travel and \$ 0.00 for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 05/21/2025



*Server's signature*

Elizabeth A. Mitchell, Attorney for Plaintiffs

*Printed name and title*  
Umhofer, Mitchell & King LLP  
767 S. Alameda St., Suite 270  
Los Angeles, CA 90021

*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

**(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

# EXHIBIT C

UNITED STATES DISTRICT COURT

for the

Central District of California

LA Alliance for Human Rights, et al.

*Plaintiff*

v.

City of Los Angeles, et al.

*Defendant*

Civil Action No. 2:20-cv-02291-DOC-KES

**SUBPOENA TO APPEAR AND TESTIFY  
AT A HEARING OR TRIAL IN A CIVIL ACTION**

To: Councilmember Traci Park, City Hall, 200 N. Spring St., Los Angeles, CA 90012

*(Name of person to whom this subpoena is directed)*

**YOU ARE COMMANDED** to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: First Street Courthouse  
350 W. 1st Street  
Los Angeles, CA 90012

Courtroom No.: 1

Date and Time: 05/28/2025 9:00 am

You must also bring with you the following documents, electronically stored information, or objects *(leave blank if not applicable)*:  
n/a

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/23/2025

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)*

LA Alliance for Human Rights, who issues or requests this subpoena, are:

Elizabeth A. Mitchell, Umhofer, Mitchell & King LLP, 767 S. Alameda St., Suite 270, Los Angeles, CA 90021  
Email: elizabeth@umklaw.com; Telephone: 213-394-7979

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:20-cv-02291-DOC-KES

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* Councilmember Traci Park  
on *(date)* 05/23/2025 .

☒ I served the subpoena by delivering a copy to the named person as follows: via email as agreed upon  
between the parties

on *(date)* 05/23/2025 ; or

☐ I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ 40.00 .

My fees are \$ 0.00 for travel and \$ 0.00 for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 05/23/2025



*Server's signature*

Elizabeth A. Mitchell, Attorney for Plaintiffs

*Printed name and title*  
Umhofer, Mitchell & King LLP  
767 S. Alameda St., Suite 270  
Los Angeles, CA 90021

*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**

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- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

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- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

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8 IN THE UNITED STATES DISTRICT COURT

## 9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 LA ALLIANCE FOR HUMAN RIGHTS,  
11 et al.,

12 Plaintiffs,

13 v.

14 CITY OF LOS ANGELES, a Municipal  
entity, et al.,15 Defendant.  
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CASE NO. 2:20-cv-02291 DOC (KES)

**[PROPOSED] ORDER GRANTING  
DEFENDANT CITY OF LOS  
ANGELES'S EX PARTE  
APPLICATION FOR ORDER  
QUASHING SUBPOENAS**

Judge: Hon. David O. Carter



1 Before the Court is Defendant City of Los Angeles's Ex Parte Application to  
2 Quash the May 21, 2025 subpoenas of Mayor Karen Bass and Councilmember Monica  
3 Rodriguez and the May 23, 2025 subpoena of Councilmember Traci Park. Having  
4 reviewed and considered all papers and arguments submitted in support of and in  
5 opposition to the Application, the Court **GRANTS** the Application and **QUASHES** the  
6 subpoenas.

7 *[In the alternative]* The Court stays enforcement of the May 21, 2025 subpoenas  
8 of Mayor Karen Bass and Councilmember Monica Rodriguez and the May 23, 2025  
9 subpoena of Councilmember Traci Park, while the City petitions the Ninth Circuit for a  
10 writ of mandamus. The stay shall remain in effect until further order of this Court or the  
11 Ninth Circuit.

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13 IT IS SO ORDERED.

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16 Date: \_\_\_\_\_

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19 \_\_\_\_\_  
20 Hon. David O. Carter  
21 United States District Court Judge  
22 Central District of California  
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