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27 *CITY OF LOS ANGELES*

28
1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA

3
4 LA ALLIANCE FOR HUMAN RIGHTS,
5 et al.,

6 Plaintiffs,

7 v.
8 CITY OF LOS ANGELES, a Municipal
9 entity, et al.,

10 Defendant.

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

12 Honorable David O. Carter,
13 United States District Judge

14 **DEFENDANT CITY OF LOS
15 ANGELES'S OBJECTION
16 REGARDING SUPPLEMENTAL
17 NOTICE TO OSC IN RE
18 CONTEMPT**

19 Action Filed: March 10, 2020

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1 The City objects to the Court’s January 14 supplemental notice expanding the
2 scope of the ongoing contempt proceedings. Dkt. 1133.

3 The Court’s order expanding the scope of the ongoing contempt proceedings is
4 based on a recent ruling in the Los Angeles County Superior Court case, *CANGRESS v.*
5 *City of Los Angeles*, No. 25STCP00261, issued by Judge Curtis Kin, and “reports
6 published in the mainstream media” relating to that ruling. Dkt. 1133 at 2. The City
7 submits that any expansion of the scope of the ongoing contempt proceedings is
8 premature, would necessarily interfere with the *CANGRESS* litigation, and would
9 threaten the City’s appellate rights in that litigation.

10 The ruling issued by Judge Kin is not final; no final judgment will be issued until
11 the City has a chance to object to a proposed judgment and a final judgment is entered.
12 Dkt. 1133, Ex. A at 10. In the event Judge Kin overrules the City’s objections and a
13 final judgment is issued in the petitioner’s favor, the City will appeal. Expanding the
14 scope of the ongoing contempt proceedings to encompass the subject matter at issue in
15 the *CANGRESS* litigation before the decision in that case is final and enforceable, and
16 before that decision has been subjected to appellate review, would necessarily interfere
17 with that separate, state-court litigation and would threaten to deprive the City of its
18 appellate rights in that litigation. For example, if the contempt proceedings are expanded
19 to cover topics related to the closed sessions of the City Council at issue in the
20 *CANGRESS* litigation before the appellate process is completed, the City would be
21 forced to choose between (1) effectively giving up its right to appeal in the *CANGRESS*
22 litigation by disclosing matters it contends are privileged, or (2) foregoing its right to
23 fully defend itself in the contempt proceedings in this Court.

24 In light of these significant concerns, and in accordance with basic principles of
25 comity and abstention doctrines, the Court should abstain from expanding the ongoing
26 contempt proceedings until the conclusion of the *CANGRESS* litigation (including the
27 resolution of any appeal in that litigation). *See Herrera v. City of Palmdale*, 918 F.3d
28 1037, 1043 (9th Cir. 2019) (noting the “longstanding public policy against federal court

1 interference with state court proceedings'') (quoting *Younger v. Harris*, 401 U.S. 37, 43
2 (1971)); *Lake Luciana, LLC v. Cnty. of Napa*, 2009 WL 3707110, at *2 (N.D. Cal. Nov.
3 4, 2009) (finding abstention under *Younger* appropriate where a "state court proceeding
4 touche[d] upon whether the Board acted in compliance with the Brown Act" and thus
5 "implicate[d] important state interests").

6 To the extent the Court nonetheless intends to proceed with expanding the
7 ongoing contempt proceedings before the conclusion of the *CANGRESS* litigation, the
8 Court should clarify the new scope of these proceedings. In its order, the Court
9 expressed "concern[] about the City's representation that the City Council had passed
10 the homeless encampment reduction plan," Dkt. 1133 at 1–2, but did not identify any
11 specific representation, when any such representation was made, or who made it on the
12 City's behalf. Without additional detail regarding what the Court is now putting at issue,
13 the City will be deprived of a fair opportunity to investigate the facts and prepare its
14 defense against a potential finding of contempt. *See, e.g., Lindsey v. Normet*, 405 U.S.
15 56, 66 (1972) ("Due process requires that there be an opportunity to present every
16 available defense."').

17 As a matter of fairness and basic due process, the Court should clarify the scope
18 of the expanded contempt proceedings and identify the specific representation(s) at issue
19 and the specific concern the Court has with any such representation(s) so that the City
20 may adequately prepare its defense against these serious allegations.

21 DATED: January 20, 2026 GIBSON, DUNN & CRUTCHER LLP
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23 By: /s/ Theane Evangelis
24 Theane Evangelis

25 *Attorneys for Defendant*
26 *CITY OF LOS ANGELES*

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