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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)

Honorable David O. Carter,
United States District Judge

**DEFENDANT CITY OF LOS
ANGELES'S OBJECTION
REGARDING ORDER SETTING
FEBRUARY 10, 2026 HEARING
AND REQUEST FOR STAY**

**RULING REQUESTED BY
MONDAY, FEB. 9 AT 12 P.M.**

Action Filed: March 10, 2020

1 The City objects to the Court’s February 4 order setting a contempt hearing for
2 February 10 “focus[ed] solely on the alleged Brown Act violation” at issue in the Los
3 Angeles County Superior Court case, *CANGRESS v. City of Los Angeles*, No.
4 25STCP00261, “and potential misrepresentations made to the Court regarding the
5 encampment reduction resolution.” Dkt. 1148 at 2. That order deprives the City of due
6 process and fair notice of the basis of the purported contempt, sets a hearing that will
7 interfere with a pending case in the court of another sovereign, improperly seeks
8 privileged information, and appears to inject the threat of criminal prosecutions into the
9 proceedings by requesting the attendance of the top federal and local prosecutors in Los
10 Angeles. The City respectfully—but in the strongest terms possible—objects to the
11 setting of the February 10 contempt hearing, which extends far beyond this Court’s
12 authority to enforce the terms of the Settlement Agreement. The City also requests that
13 the Court stay any proceedings involving the *CANGRESS* case while that litigation is
14 pending, and rule on that request by 12 p.m. on Monday, February 9.

15 1. The Court’s February 4 order, which incorporates portions of its January 14
16 order, Dkt. 1133, is based on a recent ruling in the *CANGRESS* litigation, issued by
17 Judge Curtis Kin. In that case, the petitioner *CANGRESS* alleges that certain closed
18 City Council sessions involving the City’s and Alliance’s Settlement Agreement were
19 held in violation of the Brown Act. The City maintains that the sessions at issue
20 complied with the Act because they involved privileged conversations about the ongoing
21 litigation in this Court, and therefore were not required to be public.

22 On January 20, the City objected to the Court’s January 14 order expanding the
23 scope of the ongoing contempt proceedings to include the *CANGRESS* litigation, in part
24 because the Court’s order “expressed ‘concern[] about the City’s representation that the
25 City Council had passed the homeless encampment reduction plan,’ Dkt. 1133 at 1–2,
26 but did not identify any specific representation, when any such representation was made,
27 or who made it on the City’s behalf.” Dkt. 1140 at 2. The Court has yet to respond to
28 the City’s prior objection and has still not identified any representations that will be at

1 issue at the upcoming hearing. That leaves the City in the untenable position of
2 defending itself in contempt proceedings without an adequate opportunity to investigate
3 facts and prepare a defense against the unfounded charge. At a minimum, the Court
4 should tell the City what statements it is concerned about and allow the parties to file
5 briefing regarding any such statements. Absent that, the City lacks fair notice as to the
6 basis of the expanded contempt proceedings and insufficient time to respond, hampering
7 its due process right to assert “every available defense.” *Lindsey v. Normet*, 405 U.S.
8 56, 66 (1972).

9 The January 14 and February 4 orders posit “that a vote may have been taken by
10 the City Council in violation of the Brown Act.” Dkt. 1148 at 2 (quoting Dkt. 1133 at
11 1–2). The Court also suggests that the City misrepresented “that the City Council had
12 passed the homeless encampment reduction plan that was a critical and material issue
13 before the Court” because “reports published in the mainstream media . . . suggest the
14 City Council never voted to pass such a resolution.” *Id.* Based on this limited
15 information, it appears the Court is assuming that: (1) the City represented to the Court
16 that a vote was taken on the encampment reduction plan, and (2) a City Council vote
17 was required to approve the encampment reduction plan. Neither assumption is
18 accurate.

19 The City is aware of only one representation to the Court regarding the
20 presentation and approval of the encampment reduction plan: that “[t]he 9,800
21 encampment reduction plan and milestones were presented to the City Council on
22 January 31, 2024, which approved them without delay.” Dkt. 713 ¶ 8; *see also* Dkt. 668-
23 1 ¶ 20 (counsel for the Alliance was “informed that on January 31, 2024, the City
24 Council considered and approved the 9,800 resolutions by June 2026”); Dkt. 674 at 16
25 (Special Master Martinez reporting that “[o]n January 31, 2024, the City Council
26 approved the milestones”). This representation contains no mention of a vote, and the
27 City is not aware of—and the Court has not identified—any representations made by the
28 City regarding a City Council vote.

1 Without commenting on what did or did not occur in closed session, the
2 assumption that a City Council vote was required to approve the encampment reduction
3 plan is also incorrect. As the City recently explained in its objection to CANGRESS’S
4 proposed judgment and writ of mandate (which is attached here), “the Encampment
5 Reduction Plan . . . did not require a formal vote of the City Council to effectuate
6 approval.” Ex. A at 3–4. That remains the City’s position. Nor did the Settlement
7 Agreement with the Alliance *require* any such vote. And any attempt by this Court to
8 superintend the City’s compliance with its own approval procedures would violate the
9 Tenth Amendment. *Gregory v. Ashcroft*, 501 U.S. 452, 463 (1991). The Supreme Court
10 has found it “difficult to think of a greater intrusion on state sovereignty than when a
11 federal court instructs state officials on how to conform their conduct to state law,”
12 contrary to constitutionally grounded “principles of federalism.” *Pennhurst State School*
13 *& Hospital v. Halderman*, 465 U.S. 89, 106 (1984). Put simply, nothing in the
14 Constitution or the Settlement Agreement empowers this Court to second-guess the
15 City’s conclusion regarding whether a Council vote was required. *Cf. Moore v. Harper*,
16 600 U.S. 1, 36 (2023) (discussing limited “‘areas in which the Constitution requires
17 [federal courts] to undertake an independent, if still deferential, analysis of state law’”).

18 Because this Court has put the contempt hearing on a direct collision course with
19 the Constitution, the City again requests clarification regarding which of the City’s
20 representations the Court will put at issue in the February 10 hearing, why any such
21 representation(s) was supposedly inaccurate, and the basis for the Court to exercise its
22 limited jurisdiction to enforce the Settlement Agreement to include any such
23 representation(s). Due process demands such basic notice. *See, e.g., Taggart v.*
24 *Lorenzen*, 587 U.S. 554, 561 (2019) (explaining that “civil contempt is a severe remedy,
25 and that principles of basic fairness requir[e] that those enjoined receive explicit notice
26 of what conduct is outlawed before being held in civil contempt” (cleaned up)); *FCC v.*
27 *Fox Television Stations, Inc.*, 567 U.S. 239, 253 (2012) (“A fundamental principle in our
28 legal system is that laws which regulate persons or entities must give fair notice of

1 conduct that is forbidden or required.”); *Lasar v. Ford Motor Co.*, 399 F.3d 1101, 1109
2 (9th Cir. 2005) (explaining that “adequate procedural due process,” including “notice
3 and an opportunity to be heard[,] are indispensable prerequisites” before a court can
4 impose contempt sanctions).

5 2. The City objects to expanding the scope of the ongoing contempt proceedings
6 for four additional reasons. First, Judge Kin’s ruling that the closed sessions were not
7 privileged is not even final. The City objected to CANGRESS’s proposed judgment and
8 writ of mandate on January 22, *see* Ex. A, and that objection is pending before the court.
9 If Judge Kin overrules the City’s objection and a final judgment is issued in the
10 petitioner’s favor, the City will take an appeal from the decision, which will likely result
11 in an automatic stay of the order until the appeal is final.

12 Second, an inquiry into those closed sessions would necessarily seek information
13 that the City maintains is privileged for multiple distinct reasons (under the attorney-
14 client privilege, the deliberative process privilege, the legislative privilege, and the
15 official information privilege). *See* Ex. A at 2–5. As a result, any decision by this Court
16 to proceed with the planned hearing will place the City in the unacceptable position of
17 having to choose between vigorously defending itself against the Court’s threats of
18 contempt or instead waiving multiple privileges (all of which are at issue in the
19 *CANGRESS* litigation).

20 Third, the Brown Act specifically provides that “[a] person may not disclose
21 confidential information that has been acquired by being present in a closed session
22 . . . to a person not entitled to receive it, unless the legislative body authorizes disclosure
23 of that confidential information.” Cal. Gov. Code § 54963(a). Seeking testimony from
24 witnesses regarding the closed sessions of the City Council would violate state law, force
25 an irreparable breach of the attorney-client privilege, and expose witnesses to
26 consequences such as discipline and even criminal prosecution.

27 Fourth, holding a hearing involving the alleged Brown Act violation also would
28 necessarily interfere with the separate *CANGRESS* litigation, contravening the

1 ““longstanding public policy against federal court interference with state court
2 proceedings”” at the heart of the *Younger* abstention doctrine. *Herrera v. City of*
3 *Palmdale*, 918 F.3d 1037, 1043 (9th Cir. 2019) (quoting *Younger v. Harris*, 401 U.S.
4 37, 43 (1971)).

5 Under *Younger*, a court must abstain if “(1) a state-initiated proceeding is
6 ongoing; (2) the proceeding implicates important state interests; (3) the federal plaintiff
7 is not barred from litigating federal constitutional issues in the state proceeding; and (4)
8 the federal court action would enjoin the proceeding or have the practical effect of doing
9 so.” *Lake Luciana, LLC v. Cnty. of Napa*, 2009 WL 3707110, at *1 (N.D. Cal. Nov. 4,
10 2009). Those requirements are satisfied here. The *CANGRESS* litigation is ongoing and
11 the Brown Act “implicates important state interests.” *Lake Luciana*, 2009 WL 3707110,
12 at *2. Abstaining would also not have the effect of limiting any party’s rights to litigate
13 federal constitutional issues in the state proceedings. And if the Court demands
14 testimony from the City and the waiver of numerous privileges, its appeal in state court
15 will be moot.

16 * * *

17 The only constitutionally legitimate course of action is for this Court to abstain
18 from any inquiry into the *CANGRESS* litigation and stay the February 10 contempt
19 hearing pending final resolution of the *CANGRESS* litigation. *See Lake Luciana*, 2009
20 WL 3707110, at *3 (staying federal case pending resolution of the state-court
21 proceedings). In light of the serious concerns discussed above, the City requests that the
22 Court reconsider its decision to expand the contempt proceeding or, at a minimum, defer
23 any such expansion until the *CANGRESS* litigation, including any appeals, has fully
24 concluded.

25 If the Court nevertheless insists on moving forward with the hearing, the City
26 respectfully asks that it issue an order to that effect by 12 p.m. on Monday, February 9.

1 DATED: February 7, 2026

GIBSON, DUNN & CRUTCHER LLP

2
3 By: /s/ Theane Evangelis
4 Theane Evangelis

5 *Attorneys for Defendant*
6 *CITY OF LOS ANGELES*
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EXHIBIT A

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CANGRESS dba LOS ANGELES COMMUNITY
ACTION NETWORK,

Plaintiff and Petitioner,

vs.

CITY OF LOS ANGELES,

Defendant and Respondent.

No.: 25STCP00261

Assigned for All Purposes to:
The Honorable Curtis A. Kin, Department 86

Action Filed: January 24, 2025

**RESPONDENT CITY OF LOS ANGELES'
OBJECTIONS TO PETITIONER'S
PROPOSED JUDGMENT AND PROPOSED
WRIT OF MANDATE**

No Fee:
Cal. Gov't Code § 6103

Pursuant to Local Rule 3.231(n) of the Superior Court of Los Angeles County, and reserving all rights to contest the Court’s ruling and any subsequent orders, Respondent City of Los Angeles hereby objects to Petitioner’s Proposed Judgment Granting Petition for Writ of Mandate and Proposed Writ (the “Proposed Judgment and Writ”) for all of the reasons set forth below.

GENERAL OBJECTIONS

Respondent objects to the Proposed Judgment and Writ on the basis that Government Code section 54960(a) only authorizes mandamus, declaratory, or injunctive relief “for the purpose of *stopping or preventing violations or threatened violations* of this chapter by members of the legislative body of a local agency *or to determine the applicability of this chapter to ongoing actions or threatened future actions* of the legislative body, *or to determine the applicability of this chapter to past actions* of the legislative body[.]” *Id.* (emphasis added). Thus, Petitioner seeks relief beyond what is authorized by the Brown Act in section 54960(a) because it requests the court not simply determine the applicability of the Brown Act to past acts but instead provide Petitioner far-reaching remedies as result of those past acts. Separately, the Proposed Judgment also impermissibly demands disclosure of communications protected by the attorney-client privilege, in contravention of Government Code section 54960(c)(5), confidential information from closed session conferences with legal counsel, in contravention of Government Code section 54963, and information protected from disclosure by the deliberative process, legislative, and official information privileges. *See also id.* § 54956.9(f) (statute allowing closed sessions for local agencies to confer with and receive advice from legal counsel makes clear that “[n]othing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act”).

Petitioner is not entitled to such relief. *County of Los Angeles v. Superior Court*, 130 Cal. App. 4th 1099, 1106 (2005) (foreclosing relief not authorized by the Brown Act because “the Legislature has provided statutory remedies for [Brown Act] violations” in Government Code sections 54960, 54960.1, and 54959); *Kleitman v. Superior Court*, 74 Cal. App. 4th 324, 333-35 (1999) (because the Legislature has provided for compelled disclosure in certain limited circumstances, “it

1 would be improper to read . . . a provision [compelling disclosure] into the [Brown] Act where none
2 exists”); *see also De Anza Santa Cruz Mobile Estates Homeowners Ass’n v. De Anza Santa Cruz*
3 *Mobile Estates*, 94 Cal. App. 4th 890, 912 (2001) (“Where a statute creates new rights and obligations
4 not previously existing in the common law, the express statutory remedy is deemed to be the exclusive
5 remedy available for statutory violations, unless it is inadequate.”); *Beach & Bluff Conservancy v. City*
6 *of Solana Beach*, 28 Cal. App. 5th 244, 262 (2018) (citing *De Anza* in holding that petitioner’s
7 challenge to an agency’s certification decision must be through administrative mandamus, as provided
8 by the statutory scheme).

9 By demanding a full view of how the Council and their lawyers interacted during past
10 closed sessions, Petitioner’s Proposed Judgment and Writ strikes at the heart of the attorney-client
11 privilege and departs from the Brown Act’s remedial scheme. The Brown Act contemplates that local
12 legislative bodies such as the City Council need to be able to receive legal advice with respect to
13 litigation it is (or could) become involved in, and protects the confidentiality of such attorney-client
14 communications. *E.g.*, Gov’t Code §§ 54956.9, 54960(c)(5), 54963. In doing so, local agencies may
15 provide direction to their legal counsel in any number of ways, including by consensus or by non-
16 objection to recommendations; not all matters require that a vote be taken. For example, with regard to
17 the MOU with the County of Los Angeles, the City Council’s formal approval was not legally
18 required. The Charter of Los Angeles exempts contracts entered into with other governmental
19 agencies from the requirement that the City Council approve all contracts. City of L.A. Charter § 373.
20 And under the Mayor’s Declaration of Local Housing and Homelessness Emergency, the Mayor was
21 empowered to coordinate the City’s efforts to address the declared emergency with the County.
22 City of L.A. Admin. Code § 8.33(c); Mayor of the City of Los Angeles Karen Bass, Declaration of
23 Local Housing and Homelessness Emergency (July 7, 2023).¹ (Of course, the City Council’s not
24 formally approving a contract or proposed course of action is consistent with its approving of it.) And
25 the Encampment Reduction Plan (“ERP”) similarly did not require a formal vote of the City Council to

26 ¹ See [https://mayor.lacity.gov/sites/g/files/wph2066/files/2023-07/20230707%20Mayor%20Declaration%20of%20Local%20Housing%20and%20Homelessness%20](https://mayor.lacity.gov/sites/g/files/wph2066/files/2023-07/20230707%20Mayor%20Declaration%20of%20Local%20Housing%20and%20Homelessness%20Emergency%20Signed%20and%20Attested.pdf)
27 [Emergency%20Signed%20and%20Attested.pdf](https://mayor.lacity.gov/sites/g/files/wph2066/files/2023-07/20230707%20Mayor%20Declaration%20of%20Local%20Housing%20and%20Homelessness%20Emergency%20Signed%20and%20Attested.pdf).

1 effectuate approval. The Proposed Judgment and Writ nevertheless demands disclosure of votes,
2 abstention of votes, or information on the manner of approval (if no vote was taken) of the ERP and
3 MOU with the County of Los Angeles. Allowing a litigation adversary such as Petitioner to probe the
4 manner of how the City Council, as the privilege-holder, directs its team regarding its ongoing
5 defense of the *L.A. Alliance* case intrudes on the attorney-client privilege. Furthermore, forced
6 disclosure of the attorney-client privileged discussions, as Petitioner demands, is not only barred by the
7 Brown Act, it would be patently injurious here. Petitioner is adverse to the City in the ongoing *L.A.*
8 *Alliance* litigation. Compelled disclosure of the City’s attorney-client confidences concerning that
9 case would harm its ability to defend itself in that litigation.

10 Moreover, Respondent further objects that Petitioner’s requested relief is overbroad and
11 seeks disclosure from closed sessions outside the two discrete alleged violations of the Brown Act
12 identified in the Petitioner’s October 30, 2024 demand letter to the City and in their Petition for Writ of
13 Mandate, which focused only on alleged actions to approve the ERP and MOU during closed sessions
14 on January 31, 2024 and May 1, 2024, and they therefore cannot obtain relief for other unidentified
15 closed sessions under the Brown Act. Gov’t Code § 54960.2(a) (demand letter must “clearly
16 describ[e] the past action of the legislative body and nature of the alleged violation” and requiring a
17 responding agency have an opportunity to respond to such allegations); *cf.* Proposed Judgment & Writ
18 ¶¶ (f) & (g). There is no basis for Petitioner’s request for judgment and a writ on any other actions or
19 closed sessions, either past or future.

20 Moreover, compelling the City Council to record “with videotape and audiotape” *all* of
21 its closed sessions for the next *three years*, including on matters entirely unrelated to the two closed
22 session issues (approval of the ERP and the MOU) at issue in this case is overbroad. It also threatens
23 the Council’s ability to obtain candid, frank legal advice as well as the members’ ability to have a
24 candid discussion of highly sensitive, confidential matters. *See, e.g.*, Gov’t Code §§ 54956.7, 54956.8,
25 54956.9, 54957, 54957.6, 54956.86, and 54956.75.

26 Lastly, Respondent objects on the grounds that by requesting sweeping relief unrelated
27 to the specific actions and closed sessions at issue in this litigation, Petitioner’s Proposed Judgment
28

1 and Writ exceeds the scope of the Court’s ruling, which concerned *only* the approval of the ERP and
2 MOU at the January 31, 2024 and May 1, 2024 closed sessions. Ruling at 9 (“Accordingly, for all the
3 foregoing reasons, the Court finds that the City’s approval of the ERP and MOU during closed
4 sessions on January 31, 2024, and May 1, 2024 violated the Brown Act . . .”). The ruling does not
5 contemplate relief that extends beyond those discrete actions in those specific closed sessions.

6 For all of the foregoing reasons, Respondent objects to Petitioner’s Proposed Judgment
7 and Writ. Furthermore, Respondent objects that Petitioner requests judgment declaring that it is
8 entitled to recover its attorneys’ fees and costs, when the Brown Act limits fee recovery to court costs
9 and *reasonable* attorney fees. Gov’t Code § 54960.5. Given that the parties disagree about the
10 scope of permissible remedies under the Brown Act, Respondent requests that Petitioner meet and
11 confer pursuant to Local Rule 3.231(n) and agree to brief the issue of permissible remedies with the
12 Court prior to Judgment being entered, and agree to a briefing schedule.

13 With respect to each paragraph of the Proposed Judgment and Writ, Respondent further
14 objects for the reasons stated below. These general objections are incorporated into each response to
15 the specific paragraph of Petitioner’s Proposed Judgment and Writ. The fact that a specific response
16 may mention one or more of the general objections does not mean that the other general objections do
17 not apply.

18 **OBJECTIONS TO PROPOSED JUDGMENT AND WRIT**

19 **PETITIONER’S PARAGRAPH (A)²**

20 Immediately disclose the contents of the Encampment Resolution Plan and all drafts of
21 that plan that were considered by the City Council.

22 **OBJECTIONS TO PARAGRAPH (A)**

23 The Encampment Reduction Plan is a public document, of which Petitioner already has
24 a copy and which was also filed on the *L.A. Alliance* docket (*see* AR-1173 & ECF No. 668-1).
25 Concerning the demanded drafts, Respondent objects as follows.

26 _____
27 ² Petitioner’s Proposed Judgment and Writ contain seven identical paragraphs commanding the City to
28 perform certain actions, and the objections herein apply to both equally. *Compare* Proposed Judgment
¶¶ 3(a) through (g) *with* Proposed Writ of Mandate ¶¶ (a) through (g).

Respondent incorporates by reference the General Objections as though fully set forth herein. Subject to those objections and without conceding that any responsive records exist, Respondent objects on the grounds that Government Code section 54960(a) only authorizes mandamus, declaratory, or injunctive relief “for the purpose of *stopping or preventing violations or threatened violations* of this chapter by members of the legislative body of a local agency *or to determine the applicability of this chapter to ongoing actions or threatened future actions* of the legislative body, *or to determine the applicability of this chapter to past actions* of the legislative body[.]” *Id.* (emphasis added). Petitioner asks for relief beyond what is authorized by the Brown Act in section 54960(a).

Respondent further objects to paragraph (a) on the basis that it seeks information protected from disclosure by the attorney-client privilege, the legislative and deliberative process privileges, the official information privilege, and the Brown Act’s prohibitions against disclosure of closed session proceedings except as specifically provided. Evid. Code §§ 950 – 955, 1040 – 1047; Gov’t Code §§ 54950 – 54963; *San Joaquin Cty. Local Agency Formation Comm’n v. Superior Court*, 162 Cal. App. 4th 159, 169-72 (2008) (*San Joaquin*); *Kleitman*, 74 Cal. App. 4th at 333-35; *Bd. of Supervisors v. Superior Court*, 32 Cal. App. 4th 1616, 1625-27 (1995); *Rogers v. Superior Court*, 19 Cal. App. 4th 469, 478-80 (1993). Respondent further objects that Petitioners have already obtained the ERP, as it was included at AR-1173.

Respondent further objects on the grounds that the scope of the Court’s ruling is limited only to the approval of the ERP at the January 31, 2024 closed session. *See* Ruling at 9 (“Accordingly, for all the foregoing reasons, the Court finds that the City’s approval of the ERP and MOU during closed sessions on January 31, 2024, and May 1, 2024 violated the Brown Act . . .”). The ruling in no way extends beyond that discrete action in that specific closed session.

PETITIONER’S PARAGRAPH (B)

Immediately disclose the contents of the City Council’s discussion regarding the Encampment Resolution Plan, including all documents, reports, minutes, transcripts, and tapes of closed sessions during which the Encampment Resolution Plan was discussed.

1 **OBJECTIONS TO PARAGRAPH (B)**

2 Respondent incorporates by reference the General Objections as though fully set forth
3 herein. Subject to those objections and without conceding that any responsive records exist,
4 Respondent objects on the grounds that Government Code section 54960(a) only authorizes
5 mandamus, declaratory, or injunctive relief “for the purpose of *stopping or preventing violations or*
6 *threatened violations* of this chapter by members of the legislative body of a local agency *or to*
7 *determine the applicability of this chapter to ongoing actions or threatened future actions* of the
8 legislative body, *or to determine the applicability of this chapter to past actions* of the legislative
9 body[.]” *Id.* (emphasis added). Petitioner asks for relief beyond what is authorized by the Brown Act
10 in section 54960(a).

11 Respondent further objects to paragraph (b) on the basis that it seeks information
12 protected from disclosure by the attorney-client privilege, the legislative and deliberative process
13 privileges, the official information privilege, and the Brown Act’s prohibitions against disclosure of
14 closed session proceedings except as specifically provided. Evid. Code §§ 950 – 955, 1040 – 1047;
15 Gov’t Code §§ 54950 – 54963; *San Joaquin*, 162 Cal. App. 4th at 169-72; *Kleitman*, 74 Cal. App.
16 4th at 333-35; *Bd. of Supervisors*, 32 Cal. App. 4th at 1625-27; *Rogers*, 19 Cal. App. 4th at 478-80.

17 Respondent also objects that this relief is overbroad and exceeds the two alleged
18 violations of the Brown Act identified in the Petitioner’s complaint and demand letter, which focused
19 on the January 31, 2024 and May 1, 2024 closed sessions and alleged actions to approve the ERP and
20 MOU during those closed sessions, and that therefore they cannot obtain this relief. Gov’t Code
21 § 54960.2(a) (demand letter must “clearly describ[e] the past action of the legislative body and
22 nature of the alleged violation”). Respondent further objects on the grounds that the scope of the
23 Court’s ruling with respect to the ERP is limited to the approval of the ERP at the January 31, 2024
24 closed session. *See* Ruling at 9 (“Accordingly, for all the foregoing reasons, the Court finds that the
25 City’s approval of the ERP and MOU during closed sessions on January 31, 2024, and May 1, 2024
26 violated the Brown Act . . .”). The ruling in no way extends beyond that discrete action in that
27 specific closed session.

1 **PETITIONER’S PARAGRAPH (C)**

2 Immediately disclose the vote or abstention of vote for each member of the City
3 Council present on each action taken in closed session relating to the LA Alliance matter during the
4 January 31, 2024 meeting or, if no vote was taken, the method by which approval was given for the
5 agreement regarding the Encampment Resolution Plan.

6 **OBJECTIONS TO PARAGRAPH (C)**

7 As stated in Respondent’s responses to Petitioner’s Requests for Admission (Set One)
8 and Special Interrogatories (Set One), the City Council did not hold a vote on the ERP at its
9 January 21, 2024 closed session, and therefore there were no vote abstentions.

10 Insofar as paragraph (c) seeks information in addition to what Respondent has already
11 provided, Respondent incorporates by reference the General Objections as though fully set forth herein
12 and further objects to paragraph (c) on the basis that Government Code section 54960(a) only
13 authorizes mandamus, declaratory, or injunctive relief “for the purpose of *stopping or preventing*
14 *violations or threatened violations* of this chapter by members of the legislative body of a local agency
15 *or to determine the applicability of this chapter to ongoing actions or threatened future actions* of the
16 legislative body, *or to determine the applicability of this chapter to past actions* of the legislative
17 body[.]” *Id.* (emphasis added). Petitioner asks for relief beyond what is authorized by the Brown Act
18 in section 54960(a).

19 Respondent also objects to paragraph (c) because it seeks information protected from
20 disclosure by the attorney-client privilege, the legislative and deliberative process privileges, the
21 official information privilege, and the Brown Act’s prohibitions against disclosure of closed session
22 proceedings except as specifically provided. Evid. Code §§ 950 – 955, 1040 – 1047; Gov’t Code
23 §§ 54950 – 54963; *San Joaquin*, 162 Cal. App. 4th at 169-72; *Kleitman*, 74 Cal. App. 4th at 333-35;
24 *Bd. of Supervisors*, 32 Cal. App. 4th at 1625-27; *Rogers*, 19 Cal. App. 4th at 478-80.

25 Respondent further objects that Petitioner’s demand for disclosure of “each action taken
26 in closed session relating to the LA Alliance matter during the January 31, 2024 meeting,” is vague,
27 ambiguous, overbroad and exceeds the two specific alleged violations of the Brown Act identified in
28

1 the Petitioner’s Petition and demand letter, which focused on the January 31, 2024 and May 1, 2024
2 closed sessions and alleged actions to approve the ERP and MOU during those closed sessions, and
3 that therefore they cannot obtain this relief. Gov’t Code § 54960.2(a) (demand letter must “clearly
4 describ[e] the past action of the legislative body and nature of the alleged violation”). Respondent
5 further objects on the grounds that the scope of the Court’s ruling with respect to the ERP is limited to
6 the approval of the ERP at the January 31, 2024 closed session. *See* Ruling at 9 (“Accordingly, for all
7 the foregoing reasons, the Court finds that the City’s approval of the ERP and MOU during closed
8 sessions on January 31, 2024, and May 1, 2024 violated the Brown Act . . .”). The ruling in no way
9 extends beyond that discrete action in that specific closed session.

10 **PETITIONER’S PARAGRAPH (D)**

11 Immediately disclose the contents of the City Council’s discussion regarding the
12 Memorandum of Understanding (“MOU”) with the County of Los Angeles, including all documents,
13 reports, minutes, transcripts, and tapes of closed sessions during which the MOU was discussed.

14 **OBJECTIONS TO PARAGRAPH (D)**

15 The MOU is a public document, of which Petitioner already has a copy and which was
16 also filed on the *L.A. Alliance* docket (*see* AR-823 & ECF No. 830). Concerning the demanded
17 documents, reports, minutes, transcripts, and tapes of closed sessions during which the MOU was
18 discussed, Respondent objects as follows.

19 Respondent incorporates by reference the General Objections as though fully set forth
20 herein. Subject to those objections and without conceding that any responsive records exist,
21 Respondent objects on the grounds that Government Code section 54960(a) only authorizes
22 mandamus, declaratory, or injunctive relief “for the purpose of *stopping or preventing violations or*
23 *threatened violations* of this chapter by members of the legislative body of a local agency *or to*
24 *determine the applicability of this chapter to ongoing actions or threatened future actions* of the
25 legislative body, *or to determine the applicability of this chapter to past actions* of the legislative
26 body[.]” *Id.* (emphasis added). Petitioner asks for relief beyond what is authorized by the Brown Act
27 in section 54960(a).

Respondent further objects to paragraph (d) on the basis that it seeks information protected from disclosure by the attorney-client privilege, the legislative and deliberative process privileges, the official information privilege, and the Brown Act's prohibitions against disclosure of closed session proceedings except as specifically provided. Evid. Code §§ 950 – 955, 1040 – 1047; Gov't Code §§ 54950 – 54963; *San Joaquin*, 162 Cal. App. 4th at 169-72; *Kleitman*, 74 Cal. App. 4th at 333-35; *Bd. of Supervisors*, 32 Cal. App. 4th at 1625-27; *Rogers*, 19 Cal. App. 4th at 478-80.

Respondent further objects that “the content of the discussion regarding the MOU” is vague and ambiguous, and this relief is overbroad insofar as it exceeds the two alleged violations of the Brown Act identified in the Petitioner's October 30, 2024 demand letter to the City, which focused only on the January 31, 2024 and May 1, 2024 closed sessions and alleged actions to approve the ERP and MOU during those closed sessions, and that therefore they cannot obtain this relief under the Brown Act. Gov't Code § 54960.2(a) (demand letter must “clearly describ[e] the past action of the legislative body and nature of the alleged violation”). Respondent further objects on the grounds that the scope of the Court's ruling with respect to the MOU is limited to the approval of the MOU at the May 1, 2024 closed session. *See* Ruling at 9 (“Accordingly, for all the foregoing reasons, the Court finds that the City's approval of the ERP and MOU during closed sessions on January 31, 2024, and May 1, 2024 violated the Brown Act . . .”). The ruling in no way extends beyond that discrete action in that specific closed session.

PETITIONER'S PARAGRAPH (E)

Immediately disclose the vote or abstention of vote of each member of the City Council present on each action taken in closed session related to the LA Alliance litigation during the May 1, 2024 meeting or if no vote was taken, the method by which approval was given for the agreement.

OBJECTIONS TO PARAGRAPH (E)

As stated in Respondent's responses to Petitioner's Requests for Admission (Set One) and Special Interrogatories (Set One), the City Council did not hold a vote on the MOU at its May 1, 2024 closed session, and therefore there were no vote abstentions.

1 Insofar as paragraph (c) seeks information in addition to what Respondent has already
2 provided, Respondent incorporates by reference the General Objections as though fully set forth herein
3 and further objects on the grounds that Government Code section 54960(a) only authorizes mandamus,
4 declaratory, or injunctive relief “for the purpose of *stopping or preventing violations or threatened*
5 *violations* of this chapter by members of the legislative body of a local agency *or to determine the*
6 *applicability of this chapter to ongoing actions or threatened future actions* of the legislative body, *or*
7 *to determine the applicability of this chapter to past actions* of the legislative body[.]” *Id.* (emphasis
8 added). Petitioner asks for relief beyond what is authorized by the Brown Act in section 54960(a).

9 Respondent further objects to paragraph (e) on the basis that it seeks information
10 protected from disclosure by the attorney-client privilege, the legislative and deliberative process
11 privileges, the official information privilege, and the Brown Act’s prohibitions against disclosure of
12 closed session proceedings except as specifically provided. Evid. Code §§ 950 – 955, 1040 – 1047;
13 Gov’t Code §§ 54950 – 54963; *San Joaquin*, 162 Cal. App. 4th at 169-72; *Kleitman*, 74 Cal. App.
14 4th at 333-35; *Bd. of Supervisors*, 32 Cal. App. 4th at 1625-27; *Rogers*, 19 Cal. App. 4th at 478-80.

15 Respondent further objects that Petitioner’s demand for disclosure of “each action taken
16 in closed session relating to the LA Alliance litigation during the May 1, 2024 meeting,” and “the
17 agreement,” undefined, is vague, ambiguous, overbroad and exceeds the two specific alleged
18 violations of the Brown Act identified in the Petitioner’s Petition and demand letter, which focused on
19 the January 31, 2024 and May 1, 2024 closed sessions and alleged actions to approve the ERP and
20 MOU during those closed sessions, and that therefore they cannot obtain this relief. Gov’t Code
21 § 54960.2(a) (demand letter must “clearly describ[e] the past action of the legislative body and
22 nature of the alleged violation”). Respondent further objects on the grounds that the scope of the
23 Court’s ruling with respect to the MOU is limited to the approval of the MOU at the May 1, 2024
24 closed session. *See* Ruling at 9 (“Accordingly, for all the foregoing reasons, the Court finds that the
25 City’s approval of the ERP and MOU during closed sessions on January 31, 2024, and May 1, 2024
26 violated the Brown Act . . .”). The ruling in no way extends beyond that discrete action in that
27 specific closed session.

1 **PETITIONER’S PARAGRAPH (F)**

2 Record with videotape and audiotape all of the City Council’s closed sessions pursuant
3 to Section 54960 for three years following entry of judgment in this matter, and to maintain those
4 recordings according to law.

5 **OBJECTIONS TO PARAGRAPH (F)**

6 Respondent incorporates by reference the General Objections as though fully set forth
7 herein. Respondent further objects to paragraph (f) insofar as it seeks information protected from
8 disclosure by the attorney-client privilege, the legislative and deliberative process privileges, the
9 official information privilege, and the Brown Act’s prohibitions against disclosure of closed session
10 proceedings except as specifically provided. Evid. Code §§ 950 – 955, 1040 – 1047; Gov’t Code
11 §§ 54950 – 54963; *San Joaquin*, 162 Cal. App. 4th at 169-72; *Kleitman*, 74 Cal. App. 4th at 333-35;
12 *Bd. of Supervisors*, 32 Cal. App. 4th at 1625-27; *Rogers*, 19 Cal. App. 4th at 478-80.

13 Respondent further objects that Petitioner’s demand for audio and video recording all
14 Council closed sessions for three years without limitation is excessive, overbroad, and unduly
15 burdensome and greatly in excess of the two specific alleged violations of the Brown Act identified by
16 Petitioner’s Petition and demand letter, which focused on the January 31, 2024 and May 1, 2024 closed
17 sessions and alleged actions to approve the ERP and MOU during those closed sessions, and that
18 therefore they cannot obtain this relief. Gov’t Code § 54960.2(a) (demand letter must “clearly
19 describ[e] the past action of the legislative body and nature of the alleged violation”). Moreover, the
20 proposed relief is vague and ambiguous because it is not clear whether the closed sessions Petitioner
21 seeks to have recorded include closed sessions of committees or other subsidiaries of the Council.
22 Respondent further objects on the grounds that the scope of the Court’s ruling was limited to
23 approval of the ERP and MOU in the January 31, 2024 and May 1, 2024 closed sessions, respectively,
24 and that the relief demanded here is disproportionate and not tailored to the Court’s ruling. *See* Ruling
25 at 9 (“Accordingly, for all the foregoing reasons, the Court finds that the City’s approval of the ERP
26 and MOU during closed sessions on January 31, 2024, and May 1, 2024 violated the Brown Act . . .”).

1 **PETITIONER'S PARAGRAPH (G)**

2 Discuss and act upon in closed session only those items expressly authorized to be
3 discussed and acted upon in closed session pursuant to Section 54954.2.

4 **OBJECTIONS TO PARAGRAPH (G)**

5 Respondent incorporates by reference the General Objections as though fully set forth
6 herein. Respondent further objects to paragraph (g) on the basis that Section 54954.2 does not set forth
7 the bases for which closed sessions are permissible nor does it "expressly authorize" any actions to be
8 taken in closed session. *Compare, e.g.,* Gov't Code § 54954.5, and statutes cited therein. Respondent
9 therefore objects that the relief sought in paragraph (g) lacks foundation, and is vague and ambiguous.
10 Respondent also objects that paragraph (g) is vague and ambiguous for the additional reason that it is
11 unclear if it applies to the City Council's closed sessions or extends to committees as well.

12 Furthermore, Respondent objects that the relief sought by paragraph (g) is overbroad
13 because it is not tailored to the Petitioner's two identified violations or Court's ruling in this case,
14 which focused on the approval of the ERP and MOU during the January 31, 2024 and May 1, 2024
15 closed sessions, respectively. Given the scope of the Court's ruling and the allegations underlying
16 Petitioner's complaint, as well as the presumption that the City will comply with its legal obligations,
17 there is no basis for Petitioners to demand relief as to all City Council closed sessions into perpetuity,
18 particularly those closed sessions unrelated to the ERP and MOU.

19 **CONCLUSION**

20 Without waiving, and subject to Respondent's rights to contest the Court's January 5,
21 2026 ruling and any subsequent orders, all of which are hereby expressly reserved, Respondent
22 submits the following proposed alternative remedy:

- 23 1. The Court declares that the City Council's approval of the ERP during the
24 January 31, 2024 closed session violated the Brown Act only to the extent the
25 City Council approval of the ERP was required by formal vote.
26 2. The Court declares that the City Council's approval of the MOU during the
27 May 1, 2024 closed session violated the Brown Act only to the extent the City
28

Council approval of the ERP was required by formal vote.

3. The City Council shall issue any final approvals (if necessary) to amend the ERP or MOU in open session if required by formal vote.
4. For the avoidance of doubt, the City Council shall remain entitled to confer with, and receive advice from, its legal counsel with respect to the pending *L.A. Alliance* litigation in closed session.

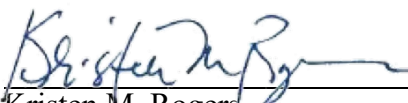
Given that the parties disagree about the scope of permissible remedies under the Brown Act, Respondent requests that Petitioner meet and confer pursuant to Local Rule 3.231(n) and agree to brief the issue of permissible remedies with the Court prior to Judgment being entered, and stipulate to a briefing schedule.

Dated: January 22, 2026

Respectfully submitted,

OFFICE OF THE LOS ANGELES CITY ATTORNEY

OLSON REMCHO, LLP

By: 
Kristen M. Rogers

Attorneys for Defendant and Respondent
City of Los Angeles

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause of action. My business address is 555 Capitol Mall, Suite 400, Sacramento, CA 95814.

On **January 22, 2026** I served a true copy of the following document(s):

Respondent City Of Los Angeles' Objections To Petitioner's Proposed Judgment And Proposed Writ Of Mandate

on the following party(ies) in said action:

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☐ **BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed envelope or package addressed to the person(s) at the address above and

☐ depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.

☐ placing the sealed envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, located in Sacramento, California, in a sealed envelope with postage fully prepaid.

☐ **BY OVERNIGHT DELIVERY:** By enclosing the document(s) in a sealed envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed. I placed the sealed envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

- 1 ☐ **BY MESSENGER SERVICE:** By placing the document(s) in a sealed envelope
2 or package addressed to the persons at the addresses listed and providing them to
3 a professional messenger service for service.
- 4 ☐ **BY FACSIMILE TRANSMISSION:** By faxing the document(s) to the persons
5 at the fax numbers listed based on an agreement of the parties to accept service by
6 fax transmission. No error was reported by the fax machine used. A copy of the
7 fax transmission is maintained in our files.
- 8 ☒ **BY EMAIL TRANSMISSION (ONE LEGAL):** By electronically submitting
9 for filing and service the document(s) listed above through One Legal, an
10 electronic filing vendor approved by this Court. The name of the vendor and the
11 transaction receipt I.D. are given in the vendor's emailed Notification of Service.

12 I declare, under penalty of perjury, that the foregoing is true and correct. Executed on
13 **January 22, 2026**, in Sacramento, California.

14 
15 Thuy Le

16 (2,219,931)