

UMHOFER, MITCHELL & KING LLP  
Matthew Donald Umhofer (SBN 206607)  
Elizabeth A. Mitchell (SBN 251139)  
767 S. Alameda St., Suite 221  
Los Angeles, California 90017  
Telephone: (213) 394-7979  
Facsimile: (213) 529-1027  
mumhofer@umklaw.com  
emitchell@umklaw.com

*Attorneys for Plaintiffs*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

CITY OF LOS ANGELES, *et al.*,

Defendants.

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

Assigned to Judge David O. Carter

**NOTICE RE APEX WITNESS  
BRIEFING**

Before: Hon. David O. Carter  
Courtroom: 1

Plaintiff LA Alliance for Human Rights (“Plaintiff”) files this notice to address one element of the Court’s Order Denying City’s Request for Continuance and Reserving Decision on Apex Witnesses (Order, May 22, 2025, ECF No. 921). The Court noted that “[t]here is no motion to compel [apex witness testimony] before the court.” (*Id.* at 2.)

Defendant City has had notice of Plaintiff’s intent to call Mayor Bass and Councilmember Rodriguez as witnesses for thirteen days and was further served with two subpoenas just yesterday. Typically it is incumbent upon the party objecting to the production of a witness to move for a protective order. Fed. R. Civ. P. 26(c)(1) (“A

1 party . . . from whom discovery is sought may move for a protective order . . .”);  
2 *Moloney v. United States*, 204 F.R.D. 16, 21 (D. Mass. 2001) (“[I]t is improper to  
3 assert a privilege and then sit back and require the opposing side to file a motion to  
4 compel; when a party instructs a witness not to answer . . . it is that party’s obligation  
5 to file a motion for protective order.”); *Apple, Inc. v. Samsung Elecs., Co., Ltd.*, 282  
6 F.R.D. 259, 263 (N.D. Cal. 2012). Rather than filing a motion for protective order, the  
7 City of LA filed an “objection” (Defs.’ Objs. to Pl.’s Resp. re Issues Raised by Court,  
8 May 13, 2025, ECF No. 903).

9       Regardless, in lieu of any motion to compel or motion for protective order,  
10 particularly given the condensed time period due to the upcoming expiration of the  
11 Roadmap Agreement, the City and Plaintiff agreed at the May 15, 2025 hearing that  
12 the parties would file a joint stipulation, akin to a Rule 37 discovery motion, on May  
13 23, 2025, which would lay out both parties’ positions regarding the Apex Witness  
14 issue. (See Hr’g Tr. 31:17–24, May 15, 2025, ECF No. 909 (“[R]egarding the briefing  
15 schedule, what we have agreed on is we will be filing a joint witness list on the 23rd.  
16 . . . In addition . . . to a **joint stipulation regarding Apex witnesses or any other**  
17 **witness objections.**”) (emphasis added); *see also* Second Amended Minute Order,  
18 May 15, 2025, ECF No. 908 (“The Joint Witness List **and Joint Stipulation re: Apex**  
19 **Witnesses** are due by May 23, 2025.”) (emphasis added). Accordingly, Plaintiff does  
20 not intend to file a motion to compel; rather the parties will file a joint stipulation as  
21 indicated on the record and approved by the Court.

22  
23 Dated: May 20, 2025

Respectfully submitted,

24 /s/ Elizabeth A. Mitchell

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

26 *Attorneys for Plaintiffs*  
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