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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

**OBJECTION TO EXPERT  
TESTIMONY OF PAUL  
WEBSTER AND ANY OTHER  
UNDISCLOSED EXPERT  
WITNESS**

Dept: 7A

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

1 The City of Los Angeles renews its objection, now in writing and for the purpose  
2 of making a clear record, to the LA Alliance for Human Rights's effort to call Paul  
3 Webster as an expert witness.<sup>1</sup> There are three reasons why Mr. Webster may not testify  
4 as an expert.

5 *First*, the designation of Mr. Webster as a supposed expert came as a complete  
6 surprise to the City. The Alliance never designated him as an expert. In fact, the  
7 Alliance never designated any experts at all. Unsurprisingly, then, Mr. Webster  
8 submitted no expert report, and the City had no opportunity to depose him, propound  
9 any other discovery seeking to clarify the nature and scope of his opinions, or file a  
10 motion to exclude him under Rule 702. As a result, the City is flying blind, with no  
11 clear understanding of what expertise, if any, Mr. Webster possesses, or what relevance  
12 that supposed expertise may have to the issues to be decided after this evidentiary  
13 hearing.

14 This strategy of presenting an expert by ambush violates the longstanding rule  
15 that expert testimony must be disclosed in advance. *See Fed. R. Civ. P. 26(a)(2)*  
16 (requiring parties to disclose "the identity of any witness it may use at trial to present  
17 evidence under Federal Rule of Evidence 702, 703, or 705"); *see also United States v.*  
18 *Lang*, 717 F. App'x 523, 537 (6th Cir. 2017) (failure to disclose expert witnesses before  
19 trial "was a tactical ambush, designed to circumvent Rule 702 and avoid revealing [the  
20 party's] witnesses to the other side"). The protections of the Federal Rules apply with  
21 equal force to these settlement-agreement proceedings.

22 *Second*, the Alliance called Mr. Webster to testify regarding his opinions on the  
23 settlement agreement and arguments made in prior briefing. This is impermissible legal  
24 opinion testimony that no one would be qualified to give—not even a lawyer, although  
25

26 <sup>1</sup> Counsel for the Alliance suggested that Mr. Webster is not an expert witness. The  
27 Court, however, described him as such and allowed the Alliance to elicit testimony  
28 from Mr. Webster regarding legal opinions purportedly based on specialized  
knowledge. If Mr. Webster was not being offered as an expert witness, the City's  
objections to leading questions should have been sustained and Mr. Webster's opinion  
testimony should have been stricken.

1 it so happens that Mr. Webster isn't one in any event. The Ninth Circuit "has repeatedly  
2 affirmed that 'an expert witness cannot give an opinion as to her *legal conclusion*, i.e.,  
3 an opinion on an ultimate issue of law.'" *United States v Diaz*, 876 F.3d 1194, 1197  
4 (9th Cir. 2017). Here, the ultimate issue of law is whether the City is complying with  
5 the parties' settlement agreement—and evidently exactly what the Alliance called Mr.  
6 Webster to testify about. *See Nationwide Transp. Fin. v. Cass Info. Sys., Inc.*, 523 F.3d  
7 1051, 1058 (9th Cir. 2008) (district court properly excluded testimony on legal  
8 conclusions, even if statement of law was accurate).

9 *Third*, the sudden call of an undisclosed expert witness to the stand violates due  
10 process. The Alliance contends that the City's alleged breach of the settlement  
11 agreement warrants drastic relief. And yet the Alliance also evidently doesn't intend to  
12 give the City any warning about the nature of the testimony it intends to elicit. It's  
13 already troubling enough that the City must defend itself in an evidentiary hearing  
14 ordered on short notice, with unclear and potentially shifting goals for the hearing. It  
15 shouldn't be further hamstrung by the disclosure, *on the witness stand*, that a witness is  
16 supposedly an expert whose testimony is worthy of some measure of deference by the  
17 finder of fact. U.S. Const. amends. V, XIV.

18 To the extent that the Alliance intends to call other undisclosed expert witnesses,  
19 the City objects for these same reasons.  
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1 DATED: May 27, 2025

Respectfully submitted,

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3 By: /s/ Theane Evangelis  
4 Theane Evangelis

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