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20 **UNITED STATES OF DISTRICT COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

22 **DARREN “PETE” WHITE**

23 Plaintiff,  
24 vs.

25 **CITY OF LOS ANGELES; et al.,**

26 Defendants.

Case No.: 17-cv-3306

RESPONSE TO OSC RE SERVICE  
OF SUMMONS AND COMPLAINT

Action Filed: May 2, 2017

27 Plaintiffs submit the Declaration of Carol A. Sobel in response to the Court’s  
28 Order to Show Cause re service of the summons and complaint in this action.  
Based on the representations set forth below, Plaintiff respectfully requests that the  
Court permit Plaintiffs to complete service on the remaining defendant no later  
than August 10, 2017.

Dated: August 3, 2017

Respectfully Submitted,

Law Office of Carol A. Sobel  
Schonbrun Seplow Harris & Hoffman

/s/ Carol A. Sobel  
By: CAROL A. SOBEL  
Attorneys for Plaintiff

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DECLARATION OF CAROL A. SOBEL

I, CAROL A. SOBEL, declare:

1. I am an attorney admitted to practice before the Supreme Court of California and the United States District Court for the Central District of California, among other courts. I have personal knowledge of the facts set forth below and, if called to testify to those facts, would and could do so competently.

2. At the beginning of July, I provided copies of the summons and complaint to my process server and directed service to be made on each of the three named defendants. The service was completed on the City of Los Angeles and Chief Charlie Beck that same day.

3. I informed my process server that Sgt. Kinney should be served at the Central Police Station on 6<sup>th</sup> Street. I later received an email from the process server, informing me that the service for Sgt. Kinney had been rejected as they were informed by the desk officer that he did not work at that station.

4. Based on the information I received from the process server, I called the personnel division of the LAPD and spoke to an individual named Bonita. She informed me that there was no one named Sgt. Kinney who worked for the department. Believing that I had misunderstood the name, I asked if there was anything even close to that and she responded, after checking her computer, that there was a Det. Kenny at Pacific Division.

5. Based on this information, I directed my process server to attempt service at Pacific Police Station. When they did so, the service was rejected and the server advised me that the station required a serial number for service.

6. On July 31, 2017, after speaking with my client again, I learned that the defendant Sergeant's last name was spelled incorrectly. I was informed by my client that the Sergeant was deposed the prior year in *Los Angeles Catholic Worker v. Los Angeles Downtown Business Improvement District*, cv-14-07344 PSG. I had access to the deposition transcript and reviewed it to ensure that I had the correct

1 name for the defendant.

2 7. With the correct spelling, I called Personnel Division again and asked  
3 for the current assignment of Sgt. Edward Kinney. I was informed that there was  
4 no employee of the LAPD by that name. I advised the Personnel Division that I  
5 had a deposition he had given just a few months earlier and had located multiple  
6 news articles on the internet, quoting Sgt. Kinney and identifying him as a  
7 supervisor at Central Police Station. I spoke with Ms. Johnson at Personnel  
8 Division, who took my number and then called me back. Ms. Johnson advised me  
9 Personnel would accept service and that I should fax the summons and complaint  
10 to the Personnel Division marked to the attention of Janise.

11 8. I then filed an Amended Complaint and Summons to correct  
12 Defendant Kinney's name. It was my intention to serve the remaining Defendant  
13 once the Summons issued with his name spelled correctly. I inadvertently failed to  
14 add language on the Summons indicating that it was a Summons on First Amended  
15 Complaint. Consequently, a Notice of Deficiency issued and the Summons did not  
16 issue.

17 9. I intended to complete service on the remaining Defendant on August  
18 1, within the time set by the OSC and the Local Rules. There is no prejudice to the  
19 Defendant in this instance. The event at the center of this action occurred on June  
20 14, 2016, so the statute of limitations on the claim does not run until June, 2018.

21 10. Plaintiff requests that the Court vacate the Order to Show Cause and  
22 extend the time for Plaintiff to complete service on Defendant Kinney no later than  
23 August 10, 2017.

24 I declare under penalty of perjury that the foregoing is true and correct.  
25 Executed this 3rd day of August, 2017 in Washington, D.C. under the laws of  
26 California.

27 /s/ Carol A. Sobel  
28 CAROL A. SOBEL