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20 (ADDITIONAL COUNSEL ON NEXT PAGE)

21 **UNITED STATES DISTRICT COURT**
 22 **FOR THE CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

23 CARL MITCHELL, et al.,
 24 PLAINTIFFS,
 25 v.
 26 CITY OF LOS ANGELES, et al.,
 27 DEFENDANTS.

Case No.: 16-cv-01750 SJO (JPR)

EX PARTE APPLICATION FOR A
 TEMPORARY RESTRAINING ORDER
 AND/OR ORDER TO SHOW CAUSE RE
 ISSUANCE OF A PRELIMINARY
 INJUNCTION

Date: None
 Time: None
 Ctrm: 1

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ATTORNEYS FOR PLAINTIFFS

1 Notice is hereby given that, on a date and time to be set by the Court, plaintiffs
2 will seek an Ex Parte Application for a Temporary Restraining Order to enjoin the City
3 of Los Angeles, its agents and employees, from seizing and immediately discarding or
4 destroying the personal property of homeless individuals living without shelter in the
5 Skid Row area of Los Angeles, all without adequate and sufficient pre- and post-
6 deprivation due process notice before the property is destroyed. Alternatively,
7 plaintiffs will ask the Court to set a hearing on a preliminary injunction on a shortened
8 schedule because of the risk of deprivation of property at issue in this action.

9 The motion is based on this Ex Parte Application and Notice of Motion, the
10 Declaration of Counsel, the concurrently filed Memorandum, all declarations and
11 exhibits filed in support of the moving papers, as well as any additional matters that
12 may be filed in opposition to pleadings filed by the Defendants, if any, and any further
13 matters that may be presented at oral argument at a time set by the Court.

14 The Ex Parte Application is filed pursuant to Local Rule 7-19. Plaintiffs'
15 counsel noticed City Attorney Thomas Peters by email on March 18, 2016, with a
16 subsequent telephonic conference on March 22, 2016. On March 30, 2016, a letter was
17 sent to Deputy City Attorney Eric Brown, advising him of the Ex Parte Application.

18
19 Thomas Peters, Chief City Attorney, Civil
20 Eric Brown, Deputy City Attorney
21 City Hall East, 6th Fl. , 200 N. Main Street,
22 Los Angeles, Ca. 90012
23 t. 213 978-7508

24 Dated: March 30, 2016

25 Respectfully submitted,
26 Law Office of Carol A. Sobel
27 Legal Aid Foundation of Los Angeles
28 Schonbrun, Seplow, Harris & Hoffman LLP

 /s/ Carol A. Sobel
Attorneys for Plaintiffs

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 This Court has the inherent power to issue a temporary restraining order
3 pursuant to F.R.Civ.P. 65 and Local Rule 65.1. In this instance, the injury is to
4 Plaintiffs' Fourth and Fourteenth Amendment rights. The individual plaintiffs are all
5 unsheltered, living on the sidewalks of this City pursuant to a prior court decision,
6 and have only meager possessions, including their medications, important documents,
7 and irreplaceable family memorabilia. The defendant City, through the Los Angeles
8 Police Department and other City departments and agents, has summarily confiscated
9 and destroyed Plaintiffs' property, even though the City has repeatedly been enjoined
10 in engaging in this conduct and City agents and employees know that the property is
11 not abandoned.

12 As the concurrently filed declarations of plaintiffs set forth, they have lost all
13 or nearly all of their possessions without prior notice and adequate advisement of
14 post-deprivation resources to reclaim their property. They have had to navigate a
15 maze of City entities, sometimes without little or any success, to try and find their
16 property. The loss of key items, including their medications, has taken an enormous
17 toll on them, especially when they are left without protection from the elements at
18 night.

19 Plaintiffs' counsel has given notice to defendants of the Ex Parte Application
20 being filed, as described more fully in the attached Declaration of Carol A. Sobel.

21
22 Dated: March 30, 2016

Respectfully submitted,
Law Office of Carol A. Sobel
Legal Aid Foundation of Los Angeles
Schonbrun, Seplow, Harris & Hoffman LLP

25
26 /s/ Carol A. Sobel
Attorneys for Plaintiffs

