Cas	e 2:16-cv-01750-SJO-JPR Document 13	3 Filed 03/30/16 Page 1 of 5 Page ID #:113						
1 2 3 4	CAROL A. SOBEL SBN 84483 COLLEEN M. MULLEN SBN 299059 JUSTINE SCHNEEWEIS SBN 305672 JOHN P. GIVEN SBN 269787 LAW OFFICE OF CAROL A. SOBEL 3110 Main Street, Suite 210 Santa Monica, California 90405 t. 310 393–3055 f. 310 399-1854 e. carolsobel@aol.com a. mullan collagn1@gmail.com							
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 10 11 12 13 14 	FERNANDO GAYTAN SBN 224712 SHAYLA R. MYERS SBN 264054 LEGAL AID FOUNDATION OF LOS ANGELES 7000 S. Broadway Los Angeles, California 90003 t. 213 640-3983 f. 213 640-3988 e. smyers@lafla.org (ADDITIONAL COUNSEL ON NEXT PAGE) UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION							
15 16								
17 18 19								
20	CARL MITCHELL, et al.,	Case No.: 16-cv-01750 SJO (JPR)						
21 22	PLAINTIFFS, v.	EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND/OR ORDER TO SHOW CAUSE RE						
23	CITY OF LOS ANGELES, et al.,	ISSUANCE OF A PRELIMINARY						
24 25	DEFENDANTS.	INJUNCTION						
25 26		Date: None Time: None						
27		Ctrm: 1						
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	1 PLAINTIFFS' EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER							

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	2 PLAINTIFFS' EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER							

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

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

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

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

Dated: March 30, 2016

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

/s/ Carol A. Sobel Attorneys for Plaintiffs

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MEMORANDUM OF POINTS AND AUTHORITIES

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

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

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

Dated: March 30, 2016

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

/s/ Carol A. Sobel Attorneys for Plaintiffs

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DECLARATION OF CAROL A. SOBEL

I, CAROL A. SOBEL, declare:

 I am an attorney for Plaintiffs in the above-captioned action. I have personal knowledge of the facts set forth below and could testify to them competently.
 On March 18, 2016, I emailed a copy of the Complaint in this matter to City Attorney Thomas Peters. In that same email, I advised him of Plaintiffs' intent to file an Ex Parte Application and move for a Temporary Restraining Order.

3. Subsequently, on March 22, 2016, I conducted a telephone conference with Mr. Peters during which we discussed specifics of the case. I asked Mr. Peters to let me know the City's position on the Ex Parte Application. He advised me that he would discuss it with Eric Brown, whom he expected then to be the City Attorney assigned to the case. I received no further response.

 On March 30, 2016, I faxed a letter to Deputy City Attorney Eric Brown, advising him that Plaintiffs intended to file an Ex Parte Application for a Temporary Restraining Order this date.

All documents related to this motion have been served by the ECF system.
 I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of March, 2016 at Santa Monica, California.

/s/ Carol A. Sobel Carol A. Sobel