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12 **UNITED STATES DISTRICT COURT**

13 **CENTRAL DISTRICT OF CALIFORNIA**

14 **CARL MITCHELL, MICHEAL**
 15 **ESCOBEDO, SALVADOR ROQUE,**
 16 **JUDY COLEMAN, as individuals; LOS**
 17 **ANGELES CATHOLIC WORKER,**
 18 **CANGRESS, as organizations,**

19 **PLAINTIFFS,**

20 **v.**

21 **CITY OF LOS ANGELES, a municipal**
 22 **entity; LT. ANDREW MATHIS, SGT.**
 23 **HAMER and SGT. RICHTER, in their**
 24 **individual and official capacities,**

25 **DEFENDANTS.**

26 **CASE NO. CV16-01750 SJO (JPRx)**
 27 **[Assigned to the Honorable S. James**
 28 **Otero, Courtroom 1]**

DECLARATION OF SCOTT
MARCUS IN SUPPORT OF CITY OF
LOS ANGELES' MOTION FOR
CLARIFICATION OF ORDER

Date: June 27, 2016
Time: 10:00 am
Place: Courtroom 1

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DECLARATION OF SCOTT MARCUS

I, SCOTT MARCUS DECLARE:

1. I am an attorney licensed to practice in the State of California. I am currently employed as the Assistant Chief of the Civil Litigation Branch of the Los Angeles City Attorney’s Office. I have personal knowledge of the facts set forth in this Declaration, and if called upon to testify to the truth of these matters, I could and would competently do so.

2. I am assisting in the litigation in the above-captioned action, CARL MITCHELL, et al. v. CITY OF LOS ANGELES, et al., CASE NO. CV16-01750. As such, I have read and am familiar with the Court’s Order Granting Plaintiffs’ Application for Preliminary Injunction (Dkt. No. 13) issued on April 13, 2016 (“the Order”).

3. On May 3, 2016, I contacted Carol Sobel, the lead attorney for Plaintiffs, to advise her that the City of Los Angeles (“the City”) wanted to meet and confer with her and other Plaintiffs’ counsel concerning the Order. Specifically, I advised Ms. Sobel that the City finds certain terms of the injunction order to be vague and believes that some parts of the Order can be read to conflict with other parts or with other legal obligations of the City. I invited Ms. Sobel to meet and confer in person the next day, May 4. Ms. Sobel responded via email that she was unable to meet on May 4, but could meet on Monday, May 9. Ms. Sobel also requested that I inform her about what the City thinks is unclear in the Order.

4. On May 4, I sent a letter to Ms. Sobel and Shayla Myers, counsel for Plaintiffs, detailing the portions of the Order that the City needed clarified. The letter posed the same questions and outlined the same arguments that are contained in the City’s Motion for Clarification of Order.

5. Also on May 4, I invited Plaintiffs’ counsel to meet and confer in person with Magistrate Judge Carla Woerhle (Ret.). Magistrate Judge Woerhle had assisted in

1 mediations and settlement discussions among the City, Ms. Sobel, and Ms. Myers in
2 other litigations involving the City’s interaction with the homeless, including in *Lavan*
3 *v. City of L.A.*, 693 F.3d 1022 (9th Cir. 2012).

4 6. On May 9, Plaintiffs’ counsel and the City met and conferred at ADR’s
5 offices in Los Angeles. The parties met and conferred, with the assistance of
6 Magistrate Judge Woerhle, for over four hours.

7 7. The parties were not able to reach any agreement at the end of the meet
8 and confer session. However, the parties were able to narrow the issues. For example,
9 Plaintiffs’ counsel agreed that the Order doesn’t apply to bulky items such as furniture
10 and appliances, and does not prohibit the City from removing bulky items from Skid
11 Row sidewalks and streets, but disagreed with the definition of “bulky items” that is
12 contained in Los Angeles Municipal Code § 56.11. Plaintiffs’ counsel further agreed
13 that the term “Skid Row or its surrounding areas” should have defined borders but
14 disagreed with the borders suggested by the City.

15 8. I declare under penalty of perjury under the laws of the United States of
16 America that the foregoing is true and correct, and as to those matters based upon my
17 information and belief, I am informed and believe them to be true and correct.

18
19 Executed on May 11, 2016 in Los Angeles, California.

20
21 _____/s/_____
22 SCOTT MARCUS