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7 ATTORNEYS FOR DEFENDANTS CITY OF LOS ANGELES, CHARLIE BECK,
8 JEFFREY BERT and ANDREW SMITH

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 CHARMAINE CHUA, TORIE
13 RIVERA, LYDIA HICKS, and KYLE
14 TODD, individually and on behalf of a
15 class of similarly situated persons, and
the NATIONAL LAWYERS GUILD,

16 Plaintiffs,

17 vs.

18 CITY OF LOS ANGELES, a municipal
19 entity, CHIEF CHARLIE BECK,
20 COMMANDER ANDREW SMITH,
21 CAPT. JEFF BERT, and DOES 1 - 10,
inclusive,

22 Defendants.

Case No.: CV 16-00237 JAK (GJSx)

Honorable Judge: John A. Kronstadt

Honorable Magistrate Judge: Gail J. Standish

**DEFENDANTS' STATEMENT OF NON-
OPPOSITION TO PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION (ECF No. 26)**

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1 Pursuant to Local Rule 7-9, and in order to conserve party and Court resources,
2 Defendants hereby state that they do not oppose Plaintiffs' Motion for Class
3 Certification (ECF No. 26) at this time. Since discovery has not yet commenced,
4 Defendants reserve the right to seek decertification of the classes certified (in whole or
5 in part) should discovery reveal that certification is not appropriate. *See, e.g., In re:*
6 *Pom Wonderful LLC Mktg. and Sales Practices Litig.*, No. ML 10-02199 DDP (RZx),
7 2014 U.S. Dist. LEXIS 40415, at *7 (C.D. Cal. Mar. 25, 2014) ("The court may
8 decertify a class at any time. *Rodriguez v. W. Publ'g Corp.*, 563 F.3d at 948, 966 (9th
9 Cir. 2009). On a motion for decertification, as at the certification stage, the burden to
10 demonstrate that the requirements of Federal Rules of Civil Procedure 23(a) and (b) are
11 met lies with the party advocating certification. *Marlo v. UPS, Inc.*, 639 F.3d 942, 947
12 (9th Cir. 2011).").
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19 DATE: August 25, 2016

20 **MICHAEL N. FEUER, CITY ATTORNEY**
21 **THOMAS H. PETERS, CHIEF ASST. CITY ATTORNEY**
22 **CORY M. BRENTÉ, SUPER. ASSIST CITY ATTORNEY**

23
24 BY: */s/ - Craig J. Miller*

25 **CRAIG J. MILLER, DEPUTY CITY ATTORNEY**
26 **ATTORNEYS FOR DEFENDANTS CITY OF LOS ANGELES,**
27 **CHARLIE BECK, JEFFREY BERT and ANDREW SMITH**
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