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18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA

20 Charmaine Chua, *et al.*
21 Plaintiffs,
22 vs.
23 City of Los Angeles, *et al.*,
24 Defendants.

25 Case No. 16-00237-JAK-GJS(x)
26 [Honorable John A. Kronstadt]
27 DECLARATION OF CAROL A. SOBEL IN
28 SUPPORT OF SUPPLEMENTAL BRIEF IN
SUPPORT OF PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION.

Hearing Date: November 7, 2016
Hearing Time: 8:30 A.M.
Courtroom: 750

Trial Date: N/A
Time: N/A

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1 SUPPLEMENTAL DECLARATION OF CAROL A. SOBEL

2 I, CAROL SOBEL, declare:

3 1. I am an attorney admitted to practice before the Supreme Court of
4 California and the United States District Court for the Central District of
5 California. I have personal knowledge of the facts set forth below and, if called
6 to testify to them, could and would do so competently.
7

8 2. I submitted a declaration in support of Plaintiffs' Motion for Class
9 Certification. This supplemental declaration is submitted to address the concerns
10 raised by the Court at the hearing on this motion on Monday, November 7, 2016.
11

12 3. I have been involved with the National Lawyers Guild ("NLG")
13 since approximately 1974. Since approximately 1998, my involvement has been
14 very extensive. I served as the president of the Los Angeles Chapter of the
15 National Lawyers Guild for approximately 10 years beginning in 1998. I was
16 also a member of the National Executive Committee of the National Lawyers
17 Guild in one capacity or another for more than ten years. During most of that
18 time, I also co-chaired the National Lawyers Guild's Mass Defense Committee,
19 which is the entity in the NLG that coordinates the organizations response to
20 protests around the nation.
21

22 4. On behalf of the National Lawyers Guild, for the past 16 years, I
23 litigated both damages and injunctive relief cases on behalf of demonstrators
24 whose First Amendment rights were abridged. In addition to the *Aichele* case
25 referenced in our motion, I have done this around the country beginning with the
26 Democratic National Convention ("DNC") in Los Angeles in 2000, the Free
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1 Trade Area of the Americas (“FTAA”) in Miami in 2003 and the *MIWON* case in
2 Los Angeles on May Day in 2007.

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4 5. In this case, there is no allegation in the complaint that Mr. Todd was
5 singled out because of his role as an NLG legal observer. In the DNC, FTAA and
6 *MIWON* litigation, some of the plaintiffs were NLG legal observers who were
7 arrested by local law enforcement agencies or otherwise subjected to practices
8 challenged as violative of constitutional rights. In each of these cases, the NLG
9 did not make the argument that its legal observers should be treated any
10 differently than other individuals who were unlawfully dispersed, detained,
11 arrested or subjected to excessive force. Only when the NLG legal observers are
12 targeted for selective enforcement do we make this argument. For example, in
13 the Miami FTAA litigation, several of the plaintiffs were NLG legal observers.
14 As counsel in that case, I am aware of the arguments that were made. One of the
15 NLG legal observers who was arrested in that event was standing with reporters
16 and taking notes outside of the dispersal zone when he was targeted by officers,
17 pulled out of that safe area and arrested. More recently, in protests in Phoenix,
18 Arizona after the enactment of anti-immigrant laws there, three individuals
19 wearing identifiable NLG legal observer hats were singled out for arrest from
20 among several dozens of protestors. I reviewed the videos of these events, as well
21 as the lawsuits filed, and also spoke with the lawyers representing the plaintiffs
22 and on that basis I am aware of the facts alleged.

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25 6. In fact, three of Plaintiffs’ counsel in this matter have been plaintiffs
26 in similar litigation with non-NLG legal observers but none have ever asserted
27 that, in those cases, they should be treated differently based on their role as legal
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1 observers. The three attorneys are me in post-DNC litigation in Los Angeles with
2 several plaintiffs who were not present at NLG legal observers, and Matthew
3 Strugar and Colleen Flynn, both of whom I represented in the FTAA litigation in
4 Miami.

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6 7. The second issue raised by the Court at the November 10, 2016
7 hearing involved the NLG's role as an organizational plaintiff in this matter. The
8 NLG is a member of several coalitions in Los Angeles working on issues raised
9 by this litigation, including the Stop LAPD Spying Coalition, which opposes a
10 broad array of surveillance activities by law enforcement. The NLG is also a
11 member of several coalitions addressing police misconduct issues. As a
12 participant in these and other coalitions, the NLG urges its members to participate
13 in demonstrations organized by the coalitions. The NLG will also provide legal
14 observers for these protests, but only a small number of NLG members fill this
15 role.
16

17 I declare under penalty of perjury that the foregoing is true and correct.
18 Executed this 10th day of November, 2016 at Santa Monica, California.

19
20 /s/ Carol A. Sobel
21 Carol A. Sobel
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