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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

KATHERINE KNOX-DAVIES, JESSE
DOTSON, MATT WARD, MARIO BRITO,
JAMES LAFFERTY, as individuals,

Plaintiffs,

v.

CITY OF LOS ANGELES, a municipal
entity; MAYOR ANTONIO
VILLARAIGOSA, CHIEF CHARLIE
BECK, in their official capacities,

Defendants.

CASE NO:cv 11-09792 PA (FMMx)

EX PARTE APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE WHY A PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE

Date: None
Time: None
Ctm: 15

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 bar the City of Los Angeles, its agents and employees, from removing them from City Hall park, where they have peaceably exercised their First Amendment rights as part of the nationwide Occupy movement. Alternatively, plaintiffs will ask the Court to set a hearing on a preliminary injunction on a shortened schedule.

Said Motion is based on this Notice of Motion and Motion, the Ex Parte Application, Declaration of Counsel, the memorandum of law, declarations of plaintiffs and all exhibits filed in support of the moving papers, as well as any

1 additional matters that may be filed in opposition to pleadings filed by the
2 defendants, and any further matters that may be presented at oral argument, if
3 any is set by the Court.

4 The Ex Parte Application is filed pursuant to Local Rule 7-19. Plaintiffs'
5 counsel notified Chief City Attorney Pete Echeverria and Supervising Attorney
6 Gary Geuss by fax on November 29, 2011 of the intention to move for a
7 temporary restraining order. No response was received. The Ex Parte
8 Application is based upon the attached declaration of counsel and the
9 memorandum of points and authorities set forth below.

10 The counsel for defendants are:

11 Pete Echeverria
12 Chief City Attorney, Civil Division
13 200 N. Main Street
14 City Hall East, 8th fl.
Los Angeles, CA 90012
t. 213 978-8748
f. 213 978-8787

Gary Geuss
Supervising City Attorney, Civil Div.
200 N. Main Street
City Hall East, 7th fl.
Los Angeles, CA 90012
f. 213 978-8216
t. 213 978-8277

15
16 Dated: November 29, 2011

Respectfully submitted,

17 LAW OFFICE OF CAROL A. SOBEL
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19 /s/
20 By: CAROL A. SOBEL
21 Attorneys for Plaintiffs
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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' First Amendment Fourth and Fourteenth Amendment rights. They are
5 activists seeking to continue their expressive activities in City Hall park. The
6 defendant City, through the Mayor and Chief of Police, has summarily
7 threatened to remove them, even though they are present in the forum with the
8 approval of the City Council through a duly enacted resolution.

9 As the concurrently filed declarations of plaintiffs set forth, they seek a
10 temporary restraining order to prevent their ejection by the Mayor from a public
11 forum, where they have engaged in expressive activity with express approval of
12 the City Council.

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

16
17 Dated: November 29, 2011

Respectfully submitted,

18 LAW OFFICE OF CAROL A. SOBEL
19 LAW OFFICE OF REBECCA F. THORNTON

20 /S/
BY: CAROL A. SOBEL
21 Attorneys for Plaintiffs
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DECLARATION OF CAROL A. SOBEL

I, CAROL A. SOBEL, declare:

1. I am the attorney for plaintiffs in the above-captioned action. I have personal knowledge of the facts set forth below.

2. On November 29, 2011, at 3:14 p.m., I faxed a letter to Pete Echeverria, head of the City Attorney's Civil Division, and Gary Geuss, head of Civil Liability. I notified both attorneys in the letter of my intention to file for an Ex Parte Application. I requested that they advise me of whether they would oppose any temporary restraining order application, but have received no response.

3. I have served a copy of the Ex Parte Application and all attachments to Mssrs. Echeverria and to Geuss.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29th day of November, 2011 at Santa Monica, California.

/s/
CAROL A. SOBEL

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the City of Attorney has been served this date by facsimile service upon the following individuals:

Pete Echeverria
Chief City Attorney, Civil Division
200 N. Main Street
City Hall East, 8th fl.
Los Angeles, CA 90012
t. 213 978-8787
f. 213 978-2850

Gary Geuss
Supv. Attorney, Civil Liability
200 N. Main Street
City Hall East, 7th fl.
Los Angeles, CA 90012
f. 213 978-8277
t. 213 978-8216

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 29th day of November, 2011 at Santa Monica, California.

/s/
CAROL A. SOBEL