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10 *Attorneys for Plaintiffs*

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 LA ALLIANCE FOR HUMAN
14 RIGHTS, *et al.*,

15 Plaintiffs,

16 v.

17 CITY OF LOS ANGELES, *et al.*,

18 Defendants.

Case No. 2:20-CV-02291-DOC-KES

Assigned to Judge David O. Carter

**MOTION FOR ORDER RE
SETTLEMENT AGREEMENT
COMPLIANCE**

Before: Hon. David O. Carter
Courtroom: 1
Hearing Date: October 2, 2024
Hearing Time: 9:00 p.m.

1 **TO THE COURT, ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF**
2 **RECORD:**

3 PLEASE TAKE NOTICE on the above date and time Plaintiffs will and hereby
4 do move for an order compelling specific performance by the City of Los Angeles.
5 This motion is set for hearing on October 2, 2024, at 9:00 a.m. before the Honorable
6 David O. Carter in the United States District Court, Central District of California,
7 Western Division, located at 350 West First Street, Courthouse 1, Los Angeles,
8 California 90012.

9 The motion is made following the conference of counsel that has taken place
10 numerous times, most recently on August 27, 2024 with Special Master Michele
11 Martinez. This motion is based on this Notice, the accompanying Memorandum of
12 Points and Authorities, the Declaration of Elizabeth A. Mitchell and exhibits attached
13 thereto, the pleadings and records on file in this action, and any further oral or written
14 documentation that may be provided to the Court as necessary or requested.

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Dated: September 4, 2024

Respectfully submitted,

/s/ Elizabeth A. Mitchell
UMHOFER, MITCHELL & KING, LLP
Matthew Donald Umhofer
Elizabeth A. Mitchell
Attorneys for Plaintiffs

1 **I. INTRODUCTION**

2 On January 31, 2024, after more than a year of being out of compliance with the
3 Settlement Agreement, and only after the Alliance indicated its intent to file a motion
4 for significant sanctions, the City finally provided a written plan for encampment
5 reduction pursuant to Section 5.2 of the Settlement Agreement. (*See* Declaration of
6 Elizabeth A. Mitchell, Ex. A, City of Los Angeles, LA Alliance Milestone Goals.)
7 The City has since reported on the number of encampment resolutions, but has not
8 reported on the location of those resolutions as requested by the Alliance in multiple
9 meetings. The City recently indicated it was ultimately unwilling to do so.

10 Identification of location of these encampments (whether by address, street,
11 corner, or some other method) is crucial to maintain accountability to ensure that said
12 reductions are occurring. The concern on the part of the Alliance is that basic
13 maintenance and sanitation work (such as regularly scheduled street cleanings) are
14 being counted as “reductions” when no individuals are being offered shelter or housing
15 but simply moved from one block to the next, only to move back to the same sidewalk
16 after cleaning is over. If this is the case, nothing is “reduced” other than trash which is
17 within the City’s standard operating procedure (and in fact separately called for as part
18 of the agreement).

19 The entire purpose of bringing this lawsuit, and the intent behind the settlement
20 agreements with the City and County is for housing and shelter to be built at scale,
21 bringing thousands of desperate unhoused individuals inside and paired with necessary
22 services and treatment, overall reducing unsheltered homelessness. Simply cleaning
23 areas without further engagement is not helping individuals come inside and does not
24 reduce unsheltered homelessness—it is simply picking up trash.

25 Because the City has refused to provide the locations of these alleged
26 Encampment Resolutions, the Alliance and the Court have no basis by which to
27 confirm the work is actually being done as anticipated and required by the Settlement
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1 Agreement. The Alliance requests the Court order the City to provide details of
2 Encampment Resolutions to maintain accountability and confirm compliance.

3 **II. STATEMENT OF FACTS**

4 The City and Plaintiffs entered into a Settlement Agreement on May 24, 2022
5 which was subsequently approved by the Court. That Settlement Agreement in part
6 required the City to provide milestones and deadlines for “encampment engagement,
7 cleaning, and reduction” in each Council District and Citywide, and required the City
8 to “employ its best efforts to comply with established plans, milestones, and
9 deadlines.” (Fully Executed [Proposed] Stipulated Order of Dismissal as to Defendant
10 City of Los Angeles Only, Ex. 1, Settlement Agreement (“Settlement Agreement”) §
11 5.2, May 24, 2022, ECF No. 426-1.) The City was in willful violation of that provision
12 from November, 2022 until January 31, 2024 at which time it finally provided the
13 requisite Milestones and Deadlines. (Mitchell Decl. ¶ 1, Ex. A.)

14 The City, as of January 31, 2024, committed to 9,800 Encampment Resolutions
15 by the end of Fiscal Year 2025-2026. (*Id.*) On April 15, 2024 the City provided its first
16 status report of Encampment Resolutions, identifying 2,137 resolutions in the first
17 quarter of 2024, which was nearly a quarter of the resolutions in a three-month period
18 (a shockingly high number after representing capabilities of much lower during
19 multiple meetings from November, 2022 to January, 2024). (Mitchell Decl. ¶ 2.)
20 Thereafter, at a scheduled meeting between LA Alliance and the City of Los Angeles
21 designed to address early concerns, the Alliance requested locations of these
22 encampment reductions to confirm resolutions, given the disparity in representations
23 and apparent performance. (*Id.*) The City deferred response, having to internally
24 confer. On July 11, 2024, at another scheduled meeting, the Alliance again raised this
25 issue and the City again deferred response. (*Id.*)

26 On July 15, 2024, the City filed its second Encampment Resolutions report,
27 identifying errors in the prior reporting, and reporting only 1,688 Resolutions from
28 January 2024-June 2024 (inadvertently omitting tents and vehicles due to internal

1 error). (Mitchell Decl. ¶ 6.) To date the City does not appear to have an accurate
2 number of Encampment Resolutions, or is possibly behind in Resolutions according to
3 its Milestones and Deadlines. This report was also devoid of any location information.
4 (Mitchell Decl. ¶ 7.)

5 On August 16, 2024 LA Alliance served on the City a demand letter requesting,
6 *inter alia*, commitment to providing the details of encampment resolutions. (Mitchell
7 Decl. ¶ 8.) The City and LA Alliance met and conferred on August 21, 2024 wherein
8 the City confirmed it was unwilling to provide location data. The parties met with
9 Special Master Michele Martinez the following week, on August 27, 2024, and no
10 resolution was reached. This issue is now ripe for Court adjudication. (Mitchell Decl.
11 ¶ 9.)

12 **III. INFORMATION REGARDING ENCAMPMENT RESOLUTION**
13 **LOCATIONS IS NECESSARY TO PROVIDE ACCOUNTABILITY AND**
14 **ENSURE WORK IS BEING COMPLETED.**

15 This lawsuit was brought ultimately to bring unhoused individuals off the street
16 where it is unsafe and unhealthy, and inside where they can have access to necessary
17 services and treatment to help them stay housed and off the street. Encampments are
18 exceedingly dangerous and unsafe to both the people living in them and to the
19 communities in which they reside. Reducing these encampments has always been part
20 of the Settlement Agreement and is a significant part of the benefit Plaintiffs bargained
21 for in entering into the operative settlement agreement with the City. (Motion for
22 Order re Settlement Agreement Compliance and Sanctions, Feb. 7, 2024, ECF No.
23 668.)

24 The City's reporting on Encampment Resolution has been confusing and
25 inconsistent, first reporting 2,137 reductions in a three-month period, then admitting
26 internal error and subsequently reporting 1,688 in a six-month period, not including
27 vehicles and RVs. Regardless of the true number, the Alliance is concerned that
28 "Resolutions" are not being appropriately documented.

1 Many Alliance members report observing regularly scheduled cleanings
2 (“CARE” and “CARE+”) wherein unhoused individuals are asked to move their
3 belongings to another area in order to dispose of trash and clean the area. If a person is
4 not present and nobody moves the person’s items for them, the tent and other personal
5 valuables are trashed. Likewise, if tents or personal items are abandoned, they are
6 disposed of. After the cleaning is finished, unhoused individuals are free to return to
7 the area. There are no outreach workers present and nobody is offered housing or
8 shelter during these clean-ups.

9 The Alliance is concerned that these regularly scheduled clean-ups are being
10 counted as “resolutions” when in fact nothing is being resolved but instead people’s
11 items (or abandoned items) are being thrown away. The Alliance did not bring this
12 lawsuit to encourage or facilitate destruction of personal items (though sanitation is
13 very welcome), but rather to *bring people inside*. Cleaning an area, only to have
14 unhoused individuals move back in without offers of shelter or housing, is not a
15 “resolution” in the Alliance’s view.

16 The locations where these Encampment Resolutions are taking place is
17 necessary to maintain accountability and ensure these identified encampments are in
18 fact being resolved/reduced rather than simply tracking sanitation routes. While
19 Special Master Martinez has been instrumental in personally observing some projects
20 and clean-ups, she has not been to each location at each time to observe progress and it
21 is unreasonable for her to be expected to do so. Moreover, to the Alliance’s
22 understanding, she is not provided with each location, date, and time for personal
23 observation.

24 The Alliance hereby requests that the Court order the City to report—either
25 confidentially or publicly—the locations and dates of each Encampment Resolution
26 reported to verify accuracy of reporting and ensure accountability.

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1 **IV. CONCLUSION**

2 No person in the City of Los Angeles should have to or be allowed to live
3 outside where it is unsafe and unhealthy for both the individuals living on the streets
4 and the surrounding communities. The Alliance requests increased reporting on
5 Encampment Reductions—specifically the locations and dates of Encampment
6 Resolutions—to verify that people are actually being offered shelter or housing, and
7 encampments are being permanently reduced, and not simply moved from one place to
8 another.

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Dated: September 4, 2024

Respectfully submitted,

/s/ Elizabeth A. Mitchell
UMHOFER, MITCHELL & KING, LLP
Matthew Donald Umhofer
Elizabeth A. Mitchell
Attorneys for Plaintiffs

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Case No. 2:20-CV-02291-DOC-KES

Assigned to Judge David O. Carter

**DECLARATION OF ELIZABETH
A. MITCHELL IN SUPPORT OF
MOTION FOR ORDER RE
SETTLEMENT AGREEMENT
COMPLIANCE**

Before: Hon. David O. Carter
Courtroom: 1
Hearing Date: October 2, 2024
Hearing Time: 9:00 p.m.

1 I, Elizabeth A. Mitchell, hereby declare as follows:

2 1. I am an attorney at the law firm of Umhofer, Mitchell & King LLP, and I
3 represent Plaintiffs LA Alliance for Human Rights, Joseph Burk, George Frem, Wenzial
4 Jarrell, Charles Malow, Karyn Pinsky, and Harry Tashdjian (“Plaintiffs”) in this action.
5 Except for those that are stated upon information and belief, I have personal knowledge
6 of the facts set forth herein, and if called and sworn as a witness, I could and would
7 testify competently thereto.

8 2. The City and Plaintiffs entered into a Settlement Agreement on May 24,
9 2022 which was subsequently approved by the Court. That Settlement Agreement in
10 part required the City to provide milestones and deadlines for “encampment
11 engagement, cleaning, and reduction” in each Council District and Citywide, and
12 required the City to “employ its best efforts to comply with established plans,
13 milestones, and deadlines.” (Fully Executed [Proposed] Stipulated Order of Dismissal
14 as to Defendant City of Los Angeles Only, Ex. 1, Settlement Agreement (“Settlement
15 Agreement”) § 5.2, May 24, 2022, ECF No. 426-1.) The City was in willful violation of
16 that provision from November, 2022 until January 31, 2024 at which it finally provided
17 the requisite Milestones and Deadlines. Attached hereto as **Exhibit A**, is a true and
18 correct copy of a City of Los Angeles LA Alliance Milestone Goals.

19 3. The City, as of January 31, 2024, committed to 9,800 Encampment
20 Resolutions by the end of Fiscal Year 2025-2026. (*Id.*) On April 15, 2024 the City
21 provided its first status report of Encampment Resolutions, identifying 2,137 resolutions
22 in the first quarter of 2024, which was nearly a quarter of the resolutions in a three-
23 month period (a shockingly high number after representing capabilities of much lower
24 during multiple meetings from November, 2022 to January, 2024).

25 4. Thereafter, at a scheduled meeting between LA Alliance and the City of
26 Los Angeles designed to address early concerns, the Alliance requested locations of
27 these encampment reductions to confirm resolutions, given the disparity in
28 representations and apparent performance.

LA Alliance Milestone Goals

Time Period	Citywide Milestone Period	Citywide Aggregate Milestone	CD 1	CD 2	CD 3	CD 4	CD 5	CD 6	CD 7	CD 8	CD 9	CD 10	CD 11	CD 12	CD 13	CD 14	CD 15	Total by CD	Aggregate by CD Totals
July - Dec 22	800	800	71	31	24	24	23	45	42	38	83	40	48	27	66	184	54	800	800
Jan - Jun 23	1,000	1,800	88	38	30	30	29	56	52	47	103	50	60	33	82	235	67	1,000	1,800
July - Dec 23	1,000	2,800	88	38	30	30	29	56	52	47	103	50	60	33	82	235	67	1,000	2,800
Jan - June 24	1,250	4,050	110	48	37	38	37	70	65	59	129	62	75	41	102	293	84	1,250	4,050
July - Dec 24	1,250	5,300	110	48	37	38	37	70	65	59	129	62	75	41	102	293	84	1,250	5,300
Jan - June 25	1,500	6,800	132	57	44	45	44	84	78	70	155	75	90	50	123	352	101	1,500	6,800
July - Dec 25	1,500	8,300	132	57	44	45	44	84	78	70	155	75	90	50	123	352	101	1,500	8,300
Jan - June 26	1,500	9,800	132	57	44	45	44	84	78	70	155	75	90	50	123	352	101	1,500	9,800
Totals:	9,800	9,800	863	374	290	295	287	549	510	460	1,012	489	588	325	803	2,296	659	9,800	

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LA ALLIANCE FOR HUMAN
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Plaintiffs,

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CITY OF LOS ANGELES, *et al.*,

Defendants.

Case No. 2:20-CV-02291-DOC-KES

Assigned to Judge David O. Carter

**[PROPOSED] ORDER GRANTING
MOTION FOR ORDER RE
SETTLEMENT AGREEMENT
COMPLIANCE**

Before: Hon. David O. Carter
Courtroom: 1
Hearing Date: October 2, 2024
Hearing Time: 9:00 p.m.

1 The Court, having considered the Motion for Order re Settlement Agreement
2 Compliance filed by LA Alliance, LA Alliance’s supporting papers and evidence, the
3 opposition papers and evidence, the record on file in this action, and arguments of
4 counsel, the Court orders:

- 5 i. The City shall increase reporting on Encampment Reductions—
6 specifically the locations and dates of Encampment Resolutions—to
7 verify that people are actually being offered shelter or housing, and
8 encampments are being permanently reduced, and not simply moved from
9 one place to another.

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IT IS SO ORDERED.

Dated: _____, 2024

The Honorable David O. Carter
United States District Court Judge