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9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA - Western Division

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|----|-------------------------------|---|-------------------------------|
| 11 | HOLLYWOOD CHARACTERS, et al., |) | CASE NO: cv 10-5848 DDP (CWx) |
| 12 | Plaintiffs, |) | EX PARTE APPLICATION FOR A |
| 13 | |) | TEMPORARY RESTRAINING |
| 14 | v. |) | ORDER; MEMORANDUM; |
| 15 | CITY OF LOS ANGELES, et al., |) | DECLARATION OF COUNSEL |
| 16 | Defendants. |) | Date: TBD |
| | |) | Time: TBD |
| | |) | Trm: 3 |

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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 Los Angeles Police Department, a subdivision of the defendant City of Los Angeles, from arresting or threatening to arrest the street performers on Hollywood Boulevard on allegations that they are “obstructing,” “loitering” or “soliciting” donations in violation of Los Angeles Municipal Code §41.18(a). Alternatively, plaintiffs will ask the Court to set a hearing on a preliminary injunction on a shortened schedule.

1 Said Motion is based on this Notice of Motion and Motion, the Ex Parte
2 Application, Declaration of Counsel, the memorandum of law, declarations of
3 plaintiffs and all exhibits filed in support of the moving papers, as well as any
4 additional matters that may be filed in opposition to pleadings filed by the
5 defendants, and any further matters that may be presented at oral argument, if any
6 is set by the Court.

7 The Ex Parte Application is filed pursuant to Local Rule 7-19. 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 is:

11 DEBORAH GONZALES
12 POLICE LIABILITY
13 200 N. Main Street
14 City Hall East, 6th fl.
15 Los Angeles, CA 90012
16 213 978-8787

17 Dated: August 31, 2010

Respectfully submitted,

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

20 /s/
21 By: CAROL A. SOBEL
22 Attorneys for Plaintiffs
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MEMORANDUM OF POINTS AND AUTHORITIES

This Court has the inherent power to issue a temporary restraining order pursuant to F.R.Civ.P. 65 and Local Rule 65.1. In this instance, the injury is to plaintiffs' First Amendment rights. They have been cited and/or arrested when they are performing on Hollywood Boulevard. They live in the neighborhood where they perform and are fearful that, if they come back to Hollywood Boulevard, they will be arrested, as the police told each of them at the time that they were originally subjected to a custodial arrest, even if two were not ultimately charged with any violation of the law and the charges against the remaining plaintiffs were not prosecuted.

As the concurrently filed declarations of plaintiffs set forth, none have gone out to Hollywood Boulevard because of the fear of arrest. Plaintiff Dennis only learned on July 29, 2010, when he appeared in the criminal court, that the charges arising from his arrest would not be filed.

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

Dated: August 31, 2010

Respectfully submitted,

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

/S/
BY: CAROL A. SOBEL
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 Thursday, August 26, 2010, I faxed a copy of the Complaint in this action to Deborah Gonzales of the City Attorney's Police Advisory unit and Cory Brente of the Police Liability Unit. I notified each in the letter accompanying the Complaint of my intention to file for an Ex Parte Application today.
3. This morning, I telephoned Gary Geuss, head of Civil Litigation for the City Attorney's office, to inquire which department should get notice of the TRO since I had not heard back from either Ms. Gonzales or Mr. Brente. Mr. Geuss informed me that he believed that this matter was in Ms. Gonzeles' purview.
4. I then telephoned Ms. Gonzales this morning to discuss this matter and advised her that I would serve her with a copy of all papers filed in support of the Ex Parte Application.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 31st day of August, 2010 at Santa Monica, California.

/s/
CAROL A. SOBEL

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CERTIFICATE OF SERVICE

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

DEBORAH GONZALES
POLICE LIABILITY
200 N. Main Street
City Hall East, 6th fl.
Los Angeles, CA 90012
213 978-8787

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 31st day of August, 2010 at Santas Monica, California.

_____/s/
CAROL A. SOBEL