

Carol A Sobel SBN 84483
Weston Rowland SBN 327599
Law Office of Carol A. Sobel
2632 Wilshire Boulevard, #552
Santa Monica, CA 90403
t. (310) 393-3055
e. carolsobellaw@gmail.com
e. rowland.weston@gmail.com

David Loy SBN 229235
Aaron R. Field SBN 310648
First Amendment Coalition
534 4th St., Suite B
San Rafael, CA 94901
t. (415) 460-5060
e. dloy@firstamendmentcoalition.org
e. afield@firstamendmentcoalition.org

Peter Bibring, SBN 223981
Law Office of Peter Bibring
2140 W. Sunset Blvd. #203
Los Angeles, CA 90026
t. (213) 471-2022
e. peter@bibringlaw.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

LOS ANGELES PRESS CLUB,
STATUS COUP,

PLAINTIFFS,

v.

CITY OF LOS ANGELES, a
municipal entity, JIM McDONNELL,
LAPD CHIEF, sued in his official
capacity;

DEFENDANTS.

Paul Hoffman, SBN 71244
Michael Seplow, SBN 150183
John Washington, SBN 315991
Schonbrun, Seplow, Harris, Hoffman
& Zeldes LLP
200 Pier Avenue #226
Hermosa Beach, California 90254
t.(310) 396-0731
e. hoffpaul@aol.com
e. mseplow@sshhzlaw.com
e. jwashington@sshhlaw.com

Susan E Seager SBN 204824
Law Office of Susan Seager
128 N. Fair Oaks Avenue
Pasadena, CA 91103
t. (310) 890-8991
e. susanseager1999@gmail.com

Case No. 25-cv-05423 HDV-E

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION**

Date: N/A

Time: N/A

Ctrm 5B Hon. Hernan D. Vera

TABLE OF CONTENTS

1		
2		
3	INTRODUCTION	1
4	FACTUAL BACKGROUND.....	3
5	A. Evidence Shows LAPD Deliberately Targets Journalists for Force.	3
6	B. Evidence Shows LAPD Subjected Journalists to Unlawful and	
7	Reckless Use of LLMs Fired Indiscriminately on Crowds	6
8	C. Evidence Shows LAPD Ordering Journalists to Leave Public Areas	8
9	D. LAPD’s History of Targeting Press.....	10
10	LEGAL STANDARD	11
11	ARGUMENT.....	12
12	I. Plaintiffs are Likely To Succeed on the Merits.	12
13	A. Constitutional Claims	12
14	1. Interference with Right to Record and Cover Protests.....	12
15	2. Retaliation.....	14
16	B. California Claims.....	15
17	1. Protections for Journalists in Protests under SB 98	16
18	2. Protections Against Less-Lethal Munitions under AB 48	17
19	3. LAPD’s Targeting of Journalists Violates	
20	the California Constitution.	19
21	4. The Court Can Enjoin Violations of California Law	
22	under the Bane Act.	19
23	5. This Court Can Enjoin Violations of California Law	
24	under the Fourteenth Amendment.	20
25	II. Plaintiffs Will Suffer Irreparable Harm Without the Court’s Intervention.	21
26	III. The Public’s Interest and Balance of Equities	
27	Weigh Strongly in Favor of Plaintiffs.....	22
28	CONCLUSION.....	25

TABLE OF AUTHORITIES

PAGE(S)

Cases

Al Otro Lado v. Exec. Off. for Immigr. Rev.
138 F.4th 1102 (9th Cir. 2025)15

Am. Beverage Ass’n v. City & Cnty. of San Francisco,
916 F.3d 749 (9th Cir. 2019)22

Arizona Students’ Ass’n v. Arizona Bd. of Regents,
824 F.3d 858 (9th Cir. 2016)15

Askins v. U.S. Dep’t of Homeland Sec.,
899 F.3d 1035 (9th Cir. 2018)13

Baird v. Bonta,
81 F.4th 1036 (9th Cir. 2023)12

Best Friends Animal Soc’y v. Macerich Westside Pavilion Prop. LLC,
193 Cal. App. 4th 168 (2011)21

Black Lives Matter Los Angeles v. City of Los Angeles,
No. CV 20-5027 CBM (ASX), 2021 WL 3162706 (C.D. Cal. Apr. 19, 2021)10, 24

Black Lives Matter Seattle-King Cnty. v. City of Seattle, Seattle Police Dep’t,
466 F. Supp. 3d 1206 (W.D. Wash. 2020)22

Branzburg v. Hayes,
408 U.S. 665 (1972).....13

Browning v. Vernon,
44 F.3d 818 (9th Cir. 1995)21

California Assn. of Psychology Providers v. Rank,
51 Cal. 3d 1 (1990)16

Cnty. House, Inc. v. City of Boise,
490 F.3d 1041 (9th Cir. 2007)22

Cornell v. City & Cnty. of San Francisco,
17 Cal. App. 5th 766 (2017)20

Cox Broad. Corp. v. Cohn,

1	420 U.S. 469 (1975).....	23
2	<i>Cuviello v. City of Vallejo</i> ,	
3	944 F.3d 816 (9th Cir. 2019)	19, 22
4	<i>Drakes Bay Oyster Co. v. Jewell</i> ,	
5	747 F.3d 1073 (9th Cir. 2014)	22
6	<i>Easyriders Freedom F.I.G.H.T. v. Hannigan</i> ,	
7	92 F.3d 1486 (9th Cir. 1996)	24
8	<i>Elrod v. Burns</i> ,	
9	427 U.S. 347 (1976).....	21
10	<i>Ennis v. City of Daly City</i> ,	
11	756 F. Supp. 2d 1170 (N.D. Cal. 2010).....	20
12	<i>Fordyce v. City of Seattle</i> ,	
13	55 F.3d 436 (9th Cir. 1995)	13
14	<i>Hallstrom v. City of Garden City</i> ,	
15	991 F.2d 1473 (9th Cir. 1993)	20, 21
16	<i>Hartman v. Moore</i> ,	
17	547 U.S. 250 (2006).....	14
18	<i>Index Newspapers LLC v. City of Portland</i> ,	
19	480 F. Supp. 3d 1120 (D. Or. 2020)	24
20	<i>Index Newspapers LLC v. United States Marshals Serv.</i> ,	
21	977 F.3d 817 (9th Cir. 2020)	13, 14, 15
22	<i>Leigh v. Salazar</i> ,	
23	677 F.3d 892 (9th Cir. 2012)	13, 23
24	<i>Leiserson v. City of San Diego</i> ,	
25	184 Cal. App. 3d 41 (Cal. Ct. App. 1986)	17
26	<i>Matsumoto v. Labrador</i> ,	
27	122 F.4th 787 (9th Cir. 2024)	12
28	<i>Meinecke v. City of Seattle</i> ,	
	99 F.4th 514 (9th Cir. 2024)	12

1	<i>Melendres v. Arpaio</i> ,	
2	695 F.3d 990 (9 th Cir. 2012)	22
3	<i>Mendocino Env't Ctr. v. Mendocino Cnty.</i> ,	
4	192 F.3d 1283 (9 th Cir. 1999)	15
5	<i>Multi-Ethnic Immigrant Workers Org. Network v. City of Los Angeles</i> ,	
6	246 F.R.D. 621 (C.D. Cal. 2007)	11
7	<i>Murchison v. Cnty. of Tehama</i> ,	
8	69 Cal. App. 5 th 867 (2021)	19
9	<i>Olim v. Wakinekona</i> ,	
10	461 U.S. 238 (1983)	20
11	<i>Peltz v. City of Los Angeles</i> , No. 2:22-CV-03106-HDV(AGRX),	
12	2025 WL 1412479 (C.D. Cal. Feb. 20, 2025)	10, 11
13	<i>People for the Ethical Treatment of Animals, Inc. v.</i>	
14	<i>N. Carolina Farm Bureau Fed'n, Inc.</i> , 60 F.4 th 815 (4 th Cir. 2023)	23
15	<i>Porter v. Warner Holding Co.</i> ,	
16	328 U.S. 395 (1946)	21
17	<i>Snyder v. Phelps</i> ,	
18	562 U.S. 443 (2011)	12
19	<i>Ulrich v. City & Cnty. of San Francisco</i> ,	
20	308 F.3d 968 (9 th Cir. 2002)	15
21	<i>Warner Holding Co.</i> ,	
22	328 U.S. 395 (1946)	21
23	<i>Warsoldier v. Woodford</i> ,	
24	418 F.3d 989 (9 th Cir. 2005)	21
25	<i>Winter v. Nat. Res. Def. Council, Inc.</i> ,	
26	555 U.S. 7 (2008)	12, 22
27	Statutes	
28	Cal. Const. art. I, § 2	2, 19, 20
	Cal. Civ. Code § 52.1(a),(b)	19

1	Cal. Penal Code § 409.5	14, 16, 17
2	Cal. Penal Code § 409.6	14, 16, 17
3	Cal. Penal Code § 409.7	Passim
4	Cal. Penal Code § 409.7(a)	17
5	Cal. Penal Code § 13652	11, 18, 24

6 **Other Authorities**

7	Sen. Pub. Safety Comm. Analysis, S.B. 98, 2021-2022 Reg. Sess.	17
8	67 Ops. Cal. Atty. Gen. 535 (1984)	16
9	2021 California Assembly Bill No. 48, California 2021-2022 Regular Session	1, 2, 17
10	2021 California Senate Bill No. 98 California 2021-2022 Regular Session	1, 2, 16, 17

INTRODUCTION

On June 6, 2025, in response to a series of aggressive raids by federal immigration authorities, Los Angeles residents took to the public streets and sidewalks to make their voices heard. People gathered to protest the ongoing raids and the immigration policies of the new federal administration, both in smaller demonstrations that popped up spontaneously at the site of immigration raids and in massive demonstrations downtown over a period of more than a week leading up to, and including, a previously planned “No Kings” protest on June 14. Journalists flocked to cover the demonstrations, first as a reflection of the enormous popular opposition to the federal administration’s immigration policies and then increasingly to cover aggressive policing of the protests by police. And the Los Angeles Police Department (the “LAPD” or the “Department”) deployed to police protests downtown.

LAPD has a decades-long history of violating the rights of members of the press and public at demonstrations, including at protests in 2020, 2021 and 2022. The Department had recently issued department-wide notice to officers on changes to state law — SB 98, a 2021 measure that added protections for journalists against arrest and use of force at protests, as well as AB 48, a bill from the same year that placed restraints on crowd control weapons, including chemical irritants and kinetic impact projectiles.

But if the June protests provided a test of LAPD’s recent efforts to bring its policing of protests into compliance with the requirements of California law and the Constitution, the Department failed — utterly, completely and abjectly. LAPD responded with demonstrations with extraordinary force and a total disregard for the rights of the press. Over and over, day after day, LAPD officers shot journalists clearly identified as press at close range with so-called “less-lethal munitions” (“LLMs”). LAPD officers rammed journalists wearing cameras and press identification with horses. They fired LLMs indiscriminately into crowds containing journalists, without provocation, and with no apparent effort to avoid hitting journalists. They used LLMs in ways prohibited by state law and their own policies, shooting people in the head and

1 upper body, both prohibited targets because of the potential to cause serious injury to
2 critical organs and even death And they repeatedly detained journalists, kettled them
3 with protestors, ordered them to move out of public places where they posed no threat
4 and were not interfering with police, and told press they would be arrested if they
5 remained in the area in blatant violation of California law.

6 Plaintiffs have compiled more than thirty-five instances in which LAPD violated
7 the rights of journalists, including a dozen separate occasions in which LAPD appeared
8 to deliberately target people obviously identifiable as journalists for use of force without
9 provocation; another dozen incidents in which LAPD hit journalists with tear gas or
10 projectiles colloquially referred to as “rubber bullets” after using force indiscriminately
11 against a crowd, and more than a dozen times that LAPD officers ordered journalists
12 away from public places where they were gathering material to report on the protests, in
13 blatant violation of California law. These violations are described in detail in the
14 accompanying declaration of Adam Rose (“Rose Dec.”) and other members of the press,
15 which include video documenting LAPD’s conduct, both linked in the declarations and
16 concurrently lodged with the Court.

17 Based on this formidable evidence, Plaintiffs have shown they are likely to prevail
18 on the merits of their claims that LAPD violated the rights of journalists granted by
19 California statute under SB 98 and AB 48, codified in Penal Code sections 409.7 and
20 13652, as well as infringed on their rights of the press guaranteed the California
21 Constitution, Art. I, sec. 2, and the First Amendment. The loss of these constitutional
22 rights and enabling statutory rights, even for short periods of time, constitutes irreparable
23 harm. And because the relief Plaintiffs seek asks little more of LAPD than to require that
24 they follow the law, the balance of hardships tips sharply in favor of issuing the
25 temporary restraining order and ordering LAPD to show cause why a preliminary
26 injunction should not issue.

FACTUAL BACKGROUND

A. Evidence Shows LAPD Deliberately Targets Journalists for Force.

In just the first week of protests, Plaintiffs' evidence documents fourteen instances in which LAPD officers shot reporters with rubber bullets, charged them with horses, and shoved them in situations where the journalists were away from protesters, apart from any evident threat, and plainly identifiable as journalists. LAPD targeted them nonetheless, suggesting they used force against them *because* they were journalists, or at best in reckless disregard of their constitutional and statutory rights to gather news free from assault by police. The record provides ample evidence that LAPD officers are intentionally targeting journalists:

On June 8, an LAPD officer brazenly shot television reporter Lauren Tomasi of 9News Australia from behind while she was on air, speaking to her camera. The footage shows a line of officers behind Tomasi while she stands near other journalists and people filming and talks to the camera. One of the officers turns towards Tomasi, deliberately raises his less-lethal rifle, and fires at her without any apparent justification. The incident drew international attention. The Australian Prime Minister called the shooting "horrific" and said he had raised concerns with the U.S. government. Rose Dec ¶ 26.

On June 8, Journalist Sean Beckner-Carmitchel videorecorded LAPD officers repeatedly shoving a photographer who has two professional-looking cameras with large zoom lenses and holding up what appeared to be identification on a lanyard, before a mounted LAPD officer rams the photographer with a horse. Beckner-Carmitchel Dec. ¶ 6 & Exh B. There were few people nearby, no obvious threat, and the photographer appeared to be already moving in the direction LAPD officers had indicated before they shoved them. *Id.*; Rose Dec ¶ 30. In the same incident, another LAPD officer appeared to take potshots at a photographer in a yellow helmet holding a professional camera and identification on a lanyard. Beckner-Carmitchel Dec. ¶ 7 & Exh. C.

On June 9, an LAPD officer shot Capital & Main reporter Jeremy Lindenfeld with a 40mm foam baton round from about 25 feet away. Lindenfeld was obviously press,

1 wearing a helmet with “PRESS” written in large letters across the front and a press ID
2 with the word “PRESS” in large letters on a lanyard around his neck. Rose Dec. ¶ 36.

3 On June 9, CNN Anchor Erin Burnett was reporting from protests and was shoved
4 by an advancing line of LAPD officers while filming in front of the camera on live
5 television. As she noted in the broadcast, “They knew we’re media. They’re just as
6 happy to push me as to push anybody else.” Rose Dec. ¶ 38.

7 On June 9, officers shot LLMs at award-winning freelance photojournalist
8 Michael Nigro while he stood practically alone on a pedestrian overpass elevated above
9 the protests/. Initially, the LLM struck a pole near his head. Nigro Dec. ¶¶ 5–9. At the
10 time, Nigro carried two large DSLR cameras and wore: (1) a helmet with “PRESS”
11 written in large white capital letters against a black background on both the left and right
12 sides of his head, (2) a vest with “PRESS” in large white capital letters against a black
13 background both on his chest and back, and (3) a press ID with the word “PRESS” in
14 large letters on a lanyard around his neck. *Id.* ¶¶ 14–16. Two hours later, Nigro was
15 documenting the protests at street level when a line of LAPD officers suddenly and
16 without warning or any apparent justification yelled “move” and began shoving and
17 shooting LLMs indiscriminately at the crowd. Nigro Dec. ¶¶ 10–12, 19. Nigro still wore
18 his helmet, vest, and press ID that all read “PRESS” in large letters on visible from a
19 distance on all sides. *Id.* ¶ 16. Nonetheless, an LAPD officer shot and struck Nigro in the
20 head with an LLM, leaving a white mark from its impact visible on his helmet at his
21 temple. *Id.* ¶¶ 10, 14–15; Rose Dec. ¶ 37.

22 On June 11, freelance photographer Montez Harris was documenting protests at
23 Grand Park downtown, carrying two large, professional cameras and a press ID that was
24 visible for most of the day. Harris Dec ¶ 5. When a dispersal order issued, he turned to
25 leave. A mounted officer (whom Harris believes he had just told he was a journalist)
26 tried to grab him, and another mounted officer rode up and pinned him between the
27 horses. The officer threatened to hit Harris with batons, told him he wasn’t leaving fast
28 enough, hit him with horses, and shot him in the back of his leg with an LLM. *Id.* ¶¶ 5-7.

1 Video of the incident shows that Mr. Harris was complying with the dispersal order,
2 walking away from the officers, and certainly posed no threat. *Id.*; Rose Dec ¶ 45.

3 On June 14, ABC’s chief national correspondent, Matt Gutman, was filming live
4 for ABC news when an LAPD officer came behind him, grabbed him, and shoved him.
5 Another officer then came up to Gutman and screamed at him that he had touched an
6 officer. Gutman calmly said he had not, that they were on TV and that the video would
7 show what happened. Rose Dec ¶ 51.

8 On July 14, photojournalist Héctor Adolfo Quintanar Perez was covering the
9 protests in downtown Los Angeles on assignment from Zuma Press, an independent
10 press agency. He carried two professional cameras, a large camera bag, and a large press
11 badge issued by Zuma on a worn visibly on a lanyard around his neck. Perez Dec. ¶ 2.
12 At about 5 p.m., when he was close to 300 Los Angeles Street, without any apparent
13 provocation, LAPD officers began using force on protestors and firing LLMs. *Id.* ¶¶ 4-6.
14 Perez was taking pictures when he saw an officer aiming an LLM in his direction from
15 “very close,” so that the officer must have known he was press given his press pass and
16 cameras. The officer fired an LLM that hit both his knees, opening a wound in his left
17 knee that left Perez walking with a cane and possibly in need of surgery. *Id.* ¶ 7-8, 11;
18 Rose Dec. ¶ 54 & n. 35.

19 On June 14, an LAPD mounted officer charged 82-year-old photographer David
20 Healy with his horse, knocking Healy to the ground and breaking one of his ribs. Healy
21 carried a large professional Canon camera with large lens, was shooting on film, and had
22 business cards with him identifying himself as a photographer. Rose Dec. ¶ 55.

23 On June 14, LAPD officers shot an Agence France-Presse photographer in the
24 face and leg. The photographer told France24, “I was covering the protest ... 90 feet
25 away from the police when I received the impact of a rubber bullet in my face and
26 another one in my right arm... I was working with two cameras, a helmet with AFP
27 stickers on it and also, I had a big patch on my chest that said ‘Press.’” Rose Dec. ¶ 56.

28 Several other incidents provide evidence of the LAPD intentionally targeting

1 journalists. Kayjel J. Mairena, a student journalist with the Santa Monica College
2 Corsair, was tear gassed twice in downtown Los Angeles on June 14 while standing with
3 other press off to the side. Rose Dec. ¶ 58. An AP video livestream shows an LAPD
4 officer apparently aim and fire without any evident justification at the unnamed
5 videographer, who ducks behind an obstacle at the last minute as a foam baton round
6 lands near him. Rose Dec. ¶ 35.

7 **B. Evidence Shows LAPD Subjected Journalists to Unlawful and Reckless**
8 **Use of LLMs Fired Indiscriminately on Crowds**

9 In addition to evidence of LAPD deliberately targeting journalists, there are many
10 more incidents where LAPD hit journalists after firing LLMs indiscriminately into
11 crowds that provided no imminent threat of harm to the officers or anyone else and
12 where journalists (plainly marked as such) were present. This evidence shows at best a
13 reckless disregard of the risks of hitting journalists or bystanders, and likely is further
14 evidence of intentional targeting of journalists.

15 While journalist Jeremy Cuenca was on assignment for the Collegian, the student
16 newspaper for Los Angeles Community College, on June 8, LAPD shot him twice with
17 rubber bullets, one of which hit his hand, nearly severing his finger (which took hours of
18 surgery to reattach) and destroying his camera. Rose Dec ¶ 27.

19 On June 14, photographer Marshal Woodruff was documenting protests near City
20 Hall, when an LAPD officer began firing LLMs. One of LAPD's rubber bullets hit
21 Woodruff in the face, fracturing his cheek and slicing open his right eye, requiring five
22 hours of surgery and leaving doctors uncertain how much vision he will regain.
23 Woodruff told local news, "They came in with horses and people almost got trampled.
24 They were firing like 40 bullets in the span of like five seconds. ... [I]t sounded more
25 like fireworks being rapidly shot off." Rose Dec. ¶ 53. On June 14, photographer Tod
26 Seelie was shoved by LAPD, shot in the leg with a "less lethal" munition, and tear
27 gassed multiple times. He was wearing a helmet with a press badge and also had a media
28 credential. Rose Dec. ¶ 57.

1 On June 14, LAPD released tear gas and LLMs on a crowd that included
2 Constanza Eliana Chinae, a California Local News Fellow and founder of the
3 independent media platform Malcriá Media, without issuing any announcement or
4 dispersal order and without the crowd engaging in any violent or destructive acts. Chinae
5 Dec. ¶¶ 25–28. Chinae wore a press-identification badge and carried a professional
6 camera and microphone. *Id.* ¶ 24. Because LAPD did not allow time or space to
7 disperse, Chinae suffered burning and discomfort in her sinuses and eyes. *Id.* ¶ 27.

8 During the first weekend of the protests, LAPD shot Gabriel Ovalle of Channel 5
9 (an online service unrelated to local television station KTLA) with a “less lethal”
10 munition while he was filming protestors carrying a banner through the street. Rose Dec.
11 ¶ 59.

12 On June 11, LAPD shot Sangjin Kim, a staff photographer for Korea Daily, in the
13 back with an LLM resulting in a bloody welt. Kim carried professional camera
14 equipment and wore a visible press ID. Rose Dec. ¶ 46.

15 Also on June 11, Univision’s national correspondent Romi De Frias was reporting
16 on the protest with a camera rolling when an LAPD mounted officer shoved her with a
17 horse. Rose Dec. ¶ 50. LAPD mounted officers were shoving people, including De Frias
18 and other obvious members of the press carrying large cameras. *Id.* although the crowd
19 was moving in the direction indicated by LAPD. One mounted officer repeatedly hit a
20 protestor next to De Frias with a baton. *Id.*

21 LAPD shot journalists numerous times with LLMs after firing into crowds of
22 protesters who did not appear to be engaged in unlawful activity, hitting journalists due
23 to the lack of any apparent attempt to target specific individuals who posed a threat or to
24 minimize the impact on press or other bystanders. Rose Dec. ¶ 32 (CalMatters journalist
25 Sergio Olmos hit with foam round in chest while filming police and protestors); ¶ 28
26 (New York Times reporter shot in ribs with foam baton); ¶ 44 (Lauren Day of ABC
27 News camera operator tear-gassed and her camera operate shot in the chest with a “less
28 lethal” round on June 10); ¶ 49 (photojournalist Ted Soqui shot in his back with LLMs

1 three times by LAPD on June 11); ¶ 52 (LAPD shot acclaimed war photographer Ron
2 Haviv in the arm with an LLM on June 14).

3 **C. Evidence Shows LAPD Ordering Journalists to Leave Public Areas**

4 LAPD has repeatedly and deliberately ordered journalists to move from closed
5 areas, in violation of California Penal Code § 409.7.

6 On June 8, journalist Sean Beckner-Carmitchel was huddling with other
7 journalists, all carrying large cameras and professional equipment, in an entrance to a
8 closed underground parking garage at the Clara Shortridge Foltz courthouse, to stay out
9 of the way of LAPD and report about the protest and LAPD actions. Beckner-Carmitchel
10 Dec. ¶ 5. LAPD fired tear gas directly across from them and entered the parking garage
11 ramp and ordered the journalists to leave. *Id.*

12 On June 9, the LAPD detained CNN reporter Jason Carroll and his crew while
13 Carroll was reporting live on air. In violation of California Penal Code Sec. 409.7, the
14 CNN crew were forced to get behind yellow police caution tape the police had set up. As
15 is seen and heard on the video, LAPD officers told Carroll he had to leave the area and
16 would be arrested if he came back, ordered him to place his hands behind his back, and
17 escorted him out of the protest area. When he asked if he was being arrested said, “we’re
18 letting you go, but you can’t come back.” Rose Dec. ¶ 39.

19 On June 10, journalist Tina-Desiree Berg was reporting on assignment for
20 Plaintiff Status Coup News on the protests, wearing her press pass and accompanied by a
21 photojournalist. She was positioned on the pedestrian plaza over Los Angeles street with
22 a direct line of sight to the protestors and LAPD, with the protesters about 100 feet
23 away. LAPD had members of the press held in a kettle, and an LAPD officer accosted
24 Berg and repeatedly ordered her to leave, saying, “I gave you a direct order to leave,”
25 despite Berg asking why she had to move. Berg repeated that she was a journalist, citing
26 to Penal Code § 409.7, and stating that the LAPD officer was breaking the law by
27 ordering her to move. Berg Dec. ¶¶ 2-4.

28 On June 8, LAPD officers ordered a group of approximately 20 to 30 journalists

1 away from protesters and a police line and held them in a “press area” about 150 feet
2 away from protestors under threat of arrest, making reporting on the line impossible.
3 China Dec. ¶ 13; Rose Dec. ¶ 34.

4 On June 8, journalist Beckner-Carmitchel videorecorded an LAPD officer clearing
5 the area near Alameda and Aliso and specifically order press to disperse as well,
6 shouting “Media, go!” Beckner-Carmitchel Dec. ¶ 8; Rose Dec ¶ 33.

7 Also on June 8, photojournalist Montez Harris was kettled with a group of
8 protesters. He carried two large professional cameras, a press pass, and business cards
9 identifying him as press. Harris Dec ¶¶ 4, 8. LAPD officers would not allow Harris to
10 leave even though he repeatedly informed them he was a member of the press. *Id.* ¶ 8.
11 Harris eventually scaled a small wall, despite an officer threatening to shoot him. *Id.*

12 On June 10, LAPD officers at the corner of 4th and Olive chased and shoved
13 multiple people wearing helmets plainly marked with “PRESS,” with IDs on lanyards,
14 and carrying large cameras. The officers shout, “Leave the area!” repeatedly, although
15 video shows no protesters in the immediate area, and the only people being shoved by
16 LAPD officers all appear to be journalists. Rose Dec. ¶ 44.

17 On June 11, LAPD officers kettled a group of journalists in front of City Hall. The
18 journalists repeatedly pointed out that the group contained credentialed media and asked
19 if they were allowed to leave and were told, “no.” Rose Dec. ¶ 48.

20 On July 19, independent journalist Anthony Orendorff was at the Plaza Pacoima
21 shopping complex when an ICE raid happened there. Orendorff Dec. ¶¶ 2, 3. He was
22 documenting the operation when he was seized by LAPD. Despite public outcry and
23 appeals to the Mayor and Chief of Police, he was held in jail from Thursday until
24 Monday, when he was released without charges. *Id.* ¶¶ 4-6.

25 In numerous other instances, LAPD officers ordered the press to move or
26 physically shoved them without regard to their right to remain in order to report. *See*
27 Rose Dec. ¶ 38 (LAPD officers shoved CNN anchor Erin Burnett while she talked to the
28 camera on live TV); ¶ 41 (an LAPD officer told Los Angeles Times reporter James

1 Queally to move, then when Queally reminded the officer he had a legal right to be there
2 the officer shoved him); ¶ 42 (on June 10, an LAPD officer at a police line tells CNN
3 crew live on air that some members could pass while others in the same crew could not).

4 **D. LAPD’s History of Targeting Press.**

5 For decades, LAPD’s policing of protests has been marked by widespread
6 constitutional violations, including a pattern of “restricting or retaliating against the
7 press for attempting to gather news on police activity, [and] detaining members of the
8 press without probable cause” — a description this Court recently recognized was “not
9 mere hyperbole.” *Peltz v. City of Los Angeles*, No. 2:22-CV-03106-HDV(AGRX), 2025
10 WL 1412479, at *10 (C.D. Cal. Feb. 20, 2025). Indeed, LAPD’s violations in response
11 to protests over the killing of George Floyd in 2020 helped spark state legislation to
12 address “the blatant disregard for the safety of journalists engaged in constitutionally
13 protected activities by law enforcement during protest activities” and to place limitations
14 on the use of crowd control weapons, codified at Penal Code §§ 409.7 and 13652,
15 respectively.¹

16 LAPD’s constitutional violations in its use of less-lethal munitions in 2020 also
17 led a federal court to impose specific requirements regulating their use. *See Black Lives*
18 *Matter Los Angeles v. City of Los Angeles*, No. CV 20-5027 CBM (ASX), 2021 WL
19 3162706, at *4 (C.D. Cal. Apr. 19, 2021) (granting preliminary injunction setting forth
20 limits on LAPD’s use of 40mm and 37mm launchers). Based on evidence of injuries
21 submitted in that case, the *Black Lives Matter* Injunction restricted use of several kinetic
22 impact projectiles as direct impact weapons targeted at the head and torso even before
23 the Legislature’s passage of similar force restrictions in Penal Code § 13652.

24 LAPD’s policing of protests has resulted in widespread violations of the rights of
25 the press and the public including at protests in response to the overturning of *Roe v.*

26 ¹ *See* Sen. Pub. Safety Comm. Analysis, Sen. Bill 98, 2021-2022 Reg. Sess. (noting that
27 bill came “in response to the use of force against journalists covering protests” and citing
28 “one protest in Los Angeles where police allegedly used force against at least four
journalists in separate instances”).

1 *Wade* in 2022, protests at the City’s decision to clear a homeless encampment at Echo
2 Park lake in 2021, protests in 2020 over policing in the wake of the killing of George
3 Floyd, protests in 2020 over the Trump campaign, protests in 2015 over the election of
4 Donald Trump, protests in 2014 over the police killing of Michael Brown in Ferguson;
5 LAPD’s clearing of MacArthur Park at May Day protests in 2007, protests over the
6 imminent invasion of Iraq in 2003 and protests at the Democratic National Convention
7 in 2000, among others, sparking lawsuits, settlements, and after-action reports. *See*
8 *generally* Sobel Dec. ¶¶ 3-28 (listing incidents, lawsuits and after-action reports); *Peltz*,
9 2025 WL 1412479, at *10 (concluding that assertion that “genuine issues of material
10 fact exist as to whether LAPD’s alleged practice of arresting journalists was so persistent
11 and widespread that it amounted to deliberate indifference”); *Multi-Ethnic Immigrant*
12 *Workers Org. Network v. City of Los Angeles*, 246 F.R.D. 621, 627 (C.D. Cal. 2007)
13 (recounting LAPD’s history of “unlawful dispersal orders and displayed excessive force
14 orders against demonstrators” going back to 1991 and the Gulf war). The immigration
15 raids that sparked the protest have continued, and further protests are reportedly planned
16 for Independence Day and later in July.²

17 What is certain from this history is that, as sure as the sun rises in the East every
18 morning, spontaneous protests will occur and recur in Los Angeles in response to
19 unanticipated societal “sparks” and LAPD will respond. The need for the Court to cabin
20 the unrestrained force repeatedly shown by LAPD is clear and immediate.

21 LEGAL STANDARD

22 To obtain a temporary restraining order or a preliminary injunction, a plaintiff
23 must show “(1) he is likely to succeed on the merits of his claim, (2) he is likely to suffer
24

25 ² *See* Karen Garcia, *Fear of immigration raids forces cancellation of several July*
26 *festivities in Los Angeles*, Los Angeles Times (June 30, 2025),
27 [https://www.latimes.com/california/story/2025-06-27/fear-of-immigration-raids-force-](https://www.latimes.com/california/story/2025-06-27/fear-of-immigration-raids-force-the-cancellation-of-several-july-festivities-in-los-angeles)
28 [the-cancellation-of-several-july-festivities-in-los-angeles](https://www.latimes.com/california/story/2025-06-27/fear-of-immigration-raids-force-the-cancellation-of-several-july-festivities-in-los-angeles); Callum Sutherland, ‘Free
America’: Anti-Trump Administration Protests Planned Across U.S. on July 4, Time
(July 1, 2025), <https://time.com/7299015/>.

1 irreparable harm absent the preliminary injunction, (3) the balance of equities tips in his
2 favor, and (4) a preliminary injunction is in the public interest.” *Meinecke v. City of*
3 *Seattle*, 99 F.4th 514, 521 (9th Cir. 2024) (quoting *Baird v. Bonta*, 81 F.4th 1036, 1040
4 (9th Cir. 2023) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)).
5 When the government opposes an injunction, the third and fourth factors merge.
6 *Meinecke*, 99 F.4th at 521.

7 The Court must follow “a unique likelihood-of-success standard in First
8 Amendment cases,” under which “the moving party bears the initial burden of making a
9 colorable claim that its First Amendment rights have been infringed, or are threatened
10 with infringement, at which point the burden shifts to the government to justify the
11 restriction on speech.” *Meinecke*, 99 F.4th 514

12 ARGUMENT

13 **I. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS.**

14 LAPD recently and repeatedly violated the rights of the press to cover protests in a
15 public forum. Protests are likely to recur, whether further protests on federal
16 immigration enforcement or on other issues. Consistent with its decades-long history of
17 trampling on the rights of the press, LAPD continues to attack and unlawfully interfere
18 with reporters, and it is likely to continue doing so. Therefore, Plaintiffs are likely to
19 prevail on the merits, which is “the most important factor” in deciding whether to grant a
20 preliminary injunction,” and “even more so when a constitutional injury is alleged.”
21 *Matsumoto v. Labrador*, 122 F.4th 787, 804 (9th Cir. 2024).

22 **A. Constitutional Claims**

23 **1. *Interference with Right to Record and Cover Protests***

24 The protests and press coverage at issue in this case took place on the City’s
25 public streets and sidewalks, which are “the archetype of a traditional public forum” and
26 hold a “special position in terms of First Amendment protection.” *Snyder v. Phelps*, 562
27 U.S. 443, 456 (2011). As the Ninth Circuit has held, “[t]he First Amendment protects the
28 right to photograph and record matters of public interest” in a public forum, including

1 but not limited to “the right to record law enforcement officers engaged in the exercise
2 of their official duties in public places.” *Askins v. U.S. Dep’t of Homeland Sec.*, 899 F.3d
3 1035, 1044 (9th Cir. 2018); *see also Fordyce v. City of Seattle*, 55 F.3d 436, 438–39 (9th
4 Cir. 1995) (recognizing “First Amendment right to film matters of public interest” such
5 as “public protest march”).

6 Newsgathering by other means must also “qualify for First Amendment
7 protection,” because “without some protection for seeking out the news, freedom of the
8 press could be eviscerated.” *Branzburg v. Hayes*, 408 U.S. 665, 681 (1972). Therefore,
9 “newsgathering is an activity protected by the First Amendment,” especially since a
10 “free press is the guardian of the public interest.” *Leigh v. Salazar*, 677 F.3d 892, 897,
11 900 (9th Cir. 2012). “Just as streets and sidewalks historically have been recognized as
12 being open to the public, the press has long been understood to play a vitally important
13 role in holding the government accountable.” *Index Newspapers LLC v. United States*
14 *Marshals Serv.*, 977 F.3d 817, 831 (9th Cir. 2020).

15 In light of “our deeply entrenched recognition of the public’s right to access city
16 streets and sidewalks, circuit precedent establishing the right to film public police
17 activity, and the broadly accepted principle that the public’s interest is served by the role
18 the press plays,” the Ninth Circuit upheld an injunction which provided that “journalists
19 and legal observers” covering ongoing protests “shall not be subject to arrest for not
20 dispersing following the issuance of an order to disperse,” provided they do “not impede,
21 block, or otherwise physically interfere with the lawful activities” of law enforcement
22 officers. *Id.* at 823, 831. The injunction listed indicia to help identify journalists and
23 legal observers, “such as press passes, people standing off to the side of protests not
24 engaging in protest activities, people not intermixed with protest activities, and people
25 carrying professional-grade photographic equipment.” *Id.*

26 As the Ninth Circuit acknowledged, dispersing the press is not “essential or
27 narrowly tailored to serve the government’s interests,” where “trained and experienced
28 law enforcement personnel are able to protect public safety without dispersing

1 journalists and legal observers and can differentiate press from protesters, even in the
2 heat of crowd control.”³ *Id.* at 832–33. Therefore, “journalists” and “members of the
3 public” who are merely observing or reporting on a protest “cannot be punished for the
4 violent acts of others,” and the “proper response to potential and actual violence is for
5 the government to ensure an adequate police presence, . . . and to arrest those who
6 actually engage in such conduct, rather than to suppress legitimate First Amendment
7 conduct as a prophylactic measure.” *Id.* at 834 (cleaned up).

8 Here as in *Index Newspapers*, there is a “mountain of evidence” that LAPD
9 violated these settled principles of First Amendment law by repeatedly attacking or
10 targeting journalists who were easily identifiable as such according to well-recognized
11 indicia. *Id.* at 831. Like the reporters in *Index Newspapers*, the journalists harmed or
12 detained by LAPD were simply covering the news and doing nothing that remotely
13 justified shooting them with LLM’s, shoving them, forcing them to move, or detaining
14 them. If other individuals committed unlawful acts, perhaps those individuals were
15 subject to appropriate use of force, detention, or arrest. But the First Amendment
16 prohibits LAPD from abusing the rights of journalists to cover events of public concern
17 in a public forum.

18 **2. Retaliation**

19 The First Amendment prohibits government officials from retaliating against
20 individuals for engaging in protected speech. *Hartman v. Moore*, 547 U.S. 250, 256
21 (2006). To state a First Amendment retaliation claim, a plaintiff must allege (1) he or she
22 was engaged in a constitutionally protected activity; (2) the officers’ actions would chill
23 a person of ordinary firmness from continuing to engage in that activity; and (3) the
24 protected activity was a substantial or motivating factor in the officers’ conduct.

25
26 ³ California law has long provided statutory protection for members of the press covering
27 natural disasters, avalanches, and protests. Cal. Penal Code §§ 409.5, 409.6, 409.7.
28 Although First Amendment rights do not derive from statute, the fact that California law
enforcement agencies are subject to pre-existing obligations to identify journalists
further shows they are capable of doing so.

1 *Mendocino Env't Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300–01 (9th Cir. 1999).

2 The first two elements are easily met. As explained above, reporters covering the
3 protests at issue are engaged in speech protected by the First Amendment. It cannot be
4 contested that actions such as “being shot with less-lethal munitions like pepper balls,
5 tear gas, and paint-marking munitions, being pepper sprayed at close range, or being
6 shoved by a law enforcement officer would chill a person of ordinary firmness from
7 continuing to exercise their First Amendment rights.” *Index Newspapers*, 977 F.3d at
8 827 n.4. As set for the in great detail in the declaration of Dr. Rohini Haar, although
9 called “less lethal,” the impact weapons LAPD uses can cause serious injury, disability,
10 and death. Haar Dec. ¶¶ 17-21; *see also generally* Rose Dec.; Chariton Dec.¶

11 The third element is met as well. A plaintiff’s speech is “a substantial motivating
12 factor” in an officer’s conduct when there is some “nexus between the defendant’s
13 actions and an intent to chill speech.” *Arizona Students’ Ass’n v. Arizona Bd. of Regents*,
14 824 F.3d 858, 867 (9th Cir. 2016). “As with proof of motive in other contexts, this
15 element of a First Amendment retaliation suit may be met with either direct or
16 circumstantial evidence.” *Ulrich v. City & Cnty. of San Francisco*, 308 F.3d 968, 979
17 (9th Cir. 2002).

18 *Index Newspapers LLC*, 977 F.3d at 827, the Court found the numerous instances
19 of unnecessary attacks on reporters or others gave rise to a strong interference of
20 retaliation by the government. The facts here show the same. LAPD committed
21 numerous, repeated, and unprovoked attacks on journalists. This evidence establishes
22 that Plaintiffs are likely to prevail on their claim that LAPD retaliated against them.

23 **B. California Claims**

24 LAPD’s actions also violate both the California constitution and protections for
25 journalists and the public at protests enacted by the California Legislature.⁴

26
27 ⁴ Because courts should avoid reaching constitutional questions unnecessarily, the Court
28 should grant Plaintiff’s motion based on the state law claims, which provide total relief.
Al Otro Lado v. Exec. Off. for Immigr. Rev., 138 F.4th 1102, 1123 (9th Cir. 2025).

1 **1. *Protections for Journalists in Protests under SB 98***

2 In 2021, California Governor Newsom signed into law Senate Bill 98 (“SB 98”),
3 ensuring protections for the press to observe and record law enforcement activities at
4 public protests. The Legislature recognized that, “[w]hile [existing] California law
5 protects members of the press from being stopped when entering closed areas during
6 emergencies and natural disasters to gather information, these protections don’t extend
7 to protest events such as demonstrations, marches, protests, or rallies where individuals
8 largely engage their First Amendment right to speech.”⁵

9 SB 98, codified at Penal Code section 409.7, extends three key protections to
10 members of the press when peace officers “establish a police line, or rolling closure at a
11 demonstration, march, protest, or rally where individuals are engaged in activity that is
12 protected pursuant to the First Amendment”:

13 (1) A duly authorized representative⁶ of any news service, online news service,
14 newspaper, or radio or television station or network may enter the closed areas

15 ...

16 (2) A peace officer or other law enforcement officer shall not intentionally
17 assault, interfere with, or obstruct the duly authorized representative of any
18 news service, online news service, newspaper, or radio or television station or
19 network who is gathering, receiving, or processing information for
20 communication to the public.

 (3) A duly authorized representative of any news service, online news service,

21 ⁵ See Sen. Floor Analysis, S.B. 98 (2021-2022 reg. sess.), as amended Sept. 3, 2021, at
22 https://leginfo.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB98

23 ⁶ According to the California Attorney General, the term “‘duly authorized’ refers to the
24 news station, newspaper, or radio or television station or network having ‘duly
25 authorized’ the individual to be its representative,” and it does not refer to “someone
26 authorized to be in the area by the law enforcement officer.” 67 Cal. Op. Att’y Gen. 535,
27 539 (1984) (discussing similar language in Cal. Penal Code § 409.5). Whatever the outer
28 limits of a “duly authorized” journalist in the digital age, LAPD’s actions unquestionably
impacted reporters who fit within the Attorney General’s definition, which carries great
weight, especially since the Legislature was presumably aware of it in enacting Penal
Code section 409.7. *California Assn. of Psychology Providers v. Rank*, 51 Cal. 3d 1, 17
(1990).

1 newspaper, or radio or television station or network that is in a closed area
2 described in this section shall not be cited for the failure to disperse, a violation
3 of a curfew, or a violation of [Penal Code § 148(a)(1)] for gathering, receiving,
or processing information. ...

4 Penal Code § 409.7(a).

5 The bill’s author stated that law was enacted following widespread assaults and
6 arrests of reporters covering the protests in response to the killing of George Floyd in
7 2020. “In California and across the country police have arrested, detained, and have
8 physically assaulted journalists with rubber bullets, pepper spray, tear gas, batons, and
9 fists. In many cases there are strong indications that the officers injuring journalists
10 knew their targets were members of the press. Members of the press risk their personal
11 safety and wellbeing each time they attend protest events to get the public the
12 information they need, but rubber bullets, teargas, and even arrest cannot be the norm for
13 an essential pillar of our democracy.” Sen. Pub. Safety Comm. Analysis, S.B. 98, 2021-
14 2022 Reg. Sess., at 3-4.

15 The author’s statement was unfortunately prescient. As it has consistently done for
16 decades, LAPD did exactly what SB 98’s author condemned by committing numerous
17 unprovoked attacks on journalists and improperly excluding them from areas in which
18 they had the right to be present to cover ongoing protests. Any attempts to confine
19 reporters to a “designated press area” does not comply “with a statute which specifically
20 authorizes representatives of the press to enter closed areas.” *Leiserson v. City of San*
21 *Diego*, 184 Cal. App. 3d 41, 50 (Cal. Ct. App. 1986) (interpreting similar provisions of
22 Cal. Penal Code § 409.5).

23 **2. *Protections Against Less-Lethal Munitions under AB 48***

24 The same year it adopted SB 98, the Legislature also established limitations on
25 law enforcement’s use of kinetic energy projectiles and chemical agents at protests by
26 passing Assembly Bill 48 (“AB 48”). Among other provisions, AB 48 added section
27 13652 to the Penal Code, which provides that “kinetic energy projectiles and chemical
28 agents shall not be used by any law enforcement agency to disperse any assembly,

1 protest, or demonstration”⁷ except when “the use is objectively reasonable to defend
2 against a threat to life or serious bodily injury to any individual, including any peace
3 officer, or to bring an objectively dangerous and unlawful situation safely and effectively
4 under control,” and when certain requirements have been met that protect both
5 journalists and members of the public:

6 (1) Deescalation techniques or other alternatives to force have been attempted,
7 when objectively reasonable, and have failed.

8 (2) Repeated, audible announcements are made announcing the intent to use
9 kinetic energy projectiles and chemical agents and the type to be used, when
10 objectively reasonable to do so. The announcements shall be made from various
11 locations, if necessary, and delivered in multiple languages, if appropriate.

12 (3) Persons are given an objectively reasonable opportunity to disperse and
13 leave the scene.

14 (4) An objectively reasonable effort has been made to identify persons engaged
15 in violent acts and those who are not, and kinetic energy projectiles or chemical
16 agents are targeted toward those individuals engaged in violent acts. Projectiles
17 shall not be aimed indiscriminately into a crowd or group of persons.

18 (5) Kinetic energy projectiles and chemical agents are used only with the
19 frequency, intensity, and in a manner that is proportional to the threat and
20 objectively reasonable.

21 (6) Officers shall minimize the possible incidental impact of their use of kinetic
22 energy projectiles and chemical agents on bystanders, medical personnel,
23 journalists, or other unintended targets.

24 ...

25 (9) Kinetic energy projectiles shall not be aimed at the head, neck, or any other

26 ⁷ Section 12652 defines “kinetic energy projectiles” to mean “any type of device
27 designed as less lethal, to be launched from any device as a projectile that may cause
28 bodily injury through the transfer of kinetic energy and blunt force trauma” including
“rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.” Penal
Code § 13652(d)(1). It defines “chemical agents” to mean “any chemical that can rapidly
produce sensory irritation or disabling physical effects in humans, which disappear
within a short time following termination of exposure” including tear gas, “pepper balls,
pepper spray, or oleoresin capsicum.” *Id.* § 13652(d)(2).

1 vital organs.

2 (10) Kinetic energy projectiles or chemical agents shall not be used by any law
3 enforcement agency solely due ... (A) A violation of an imposed curfew. (B) A
4 verbal threat. (C) Noncompliance with a law enforcement directive.

5 The evidence shows that LAPD violated this statute by gratuitously shooting
6 clearly identifiable reporters with kinetic energy projectiles, shooting them in the head or
7 face, and indiscriminately firing into crowds. The evidence also shows indiscriminate
8 use of tear gas in violation of the statute.

9 **3. LAPD's Targeting of Journalists Violates the California Constitution.**

10 The California Constitution's protections for freedom of speech in a public forum,
11 as set out in Article I, section 2, are at least as extensive as those of the First Amendment
12 to the United States Constitution. *Cuviello v. City of Vallejo*, 944 F.3d 816, 827 (9th Cir.
13 2019). For the same reasons that LAPD's conduct violates the First Amendment, it
14 violates Art. I, § 2 of the California Constitution.

15 **4. The Court Can Enjoin Violations of California Law under the Bane Act.**

16 The Bane Act, Civil Code § 52.1, provides a private right of action for injunctive
17 relief and other "appropriate equitable relief" against any person or entity that "interferes
18 by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or
19 coercion, with the exercise or enjoyment by any individual or individuals of rights
20 secured" by federal or state law and the United States or California constitutions. Cal.
21 Civ. Code § 52.1(a), (b). "The essence of a Bane Act claim is that the defendant, by the
22 specified improper means (i.e., 'threats, intimidation or coercion'), tried to or did prevent
23 the plaintiff from doing something he or she had the right to do under the law or to force
24 the plaintiff to do something that he or she was not required to do under the law."
25 *Murchison v. Cnty. of Tehama*, 69 Cal. App. 5th 867, 896 (2021) (quotation omitted).

26 Here, LAPD's intentional use of LLMs, horses, other physical force and threat of
27 arrest against journalists who were obviously engaged in reporting constitutes
28 interference with journalists' right to be in public places and gather news free from

1 assault by kinetic energy projectiles or otherwise—as protected under the First
2 Amendment, Cal. Const. art. I, § 2, and Penal Code §§ 409.7, 13652— through “threats,
3 intimidation or coercion.” *Ennis v. City of Daly City*, 756 F. Supp. 2d 1170, 1177 (N.D.
4 Cal. 2010) (showing that defendants targeted a plaintiff engaged in protected speech
5 activities for “harassment and physical attack” by calling police on them, chasing and
6 assaulting them satisfies the “threats, intimidation or coercion” requirement of the Bane
7 Act). Police need not target protesters specifically because of their protected rights.
8 Reckless disregard of the “right at issue” is all that is necessary. *Cornell v. City & Cnty.*
9 *of San Francisco*, 17 Cal. App. 5th 766, 804 (2017), *as modified* (Nov. 17, 2017).

10 Here, the evidence abundantly shows that LAPD repeatedly attacked and harassed
11 journalists, violating their constitutional and statutory rights by threats, intimidation, or
12 coercion. Plaintiffs are therefore likely to prevail on their Bane Act claim for injunctive
13 relief. This Court has supplemental jurisdiction to enjoin Defendants’ conduct as
14 violations of Penal Code §§ 409.7 and 13652, and Cal. Const. art. I, § 2, under the Bane
15 Act or directly under the state Constitution.

16 **5. This Court Can Enjoin Violations of California Law under the**
17 **Fourteenth Amendment.**

18 Plaintiffs have a protected liberty interest under the Fourteenth Amendment in
19 the rights against police abuse of journalists provided by Penal Code §§ 409.7 and
20 13625, and this Court can enjoin LAPD’s violation of those rights under the Fourteenth
21 Amendment as well.

22 A violation of state law may be actionable as a Section 1983 claim based on a
23 liberty interest. *Hallstrom v. City of Garden City*, 991 F.2d 1473, 1482 n.21 (9th Cir.
24 1993). “[A] State creates a protected liberty interest by placing substantive limitations
25 on official discretion through state law or
26 regulation,” *Olim v. Wakinekona*, 461 U.S. 238, 249 (1983), or by “(1) establishing
27 ‘substantive predicates’ to govern official decision making, and (2) using ‘explicitly
28 mandatory language,’ i.e. specific directives to the decisionmaker that if the
regulations’ substantive predicates are present, a particular outcome must follow.”

1 *Browning v. Vernon*, 44 F.3d 818, 821 (9th Cir. 1995) (holding state statute creating
2 process for local courts to divert convicted defendants to probation created liberty
3 interest in a fair and accurate rehabilitation evaluation and report required by that
4 program); *Hallstrom*, 991 F.2d at 1482 (state statute guaranteeing timely presentation
5 to a magistrate creates a liberty interest protected liberty interest actionable under
6 § 1983).

7 Both § 409.7 and § 13652 create rights in which Plaintiffs have a protected
8 liberty interest. Both statutes provide that when there are ‘substantive predicates’ — the
9 existence of a public demonstration — certain specific mandates to police apply: law
10 enforcement may not detain, arrest, or remove the press; and may not intentionally
11 assault them; and may not indiscriminately fire less lethal weapons at the press when
12 there is no reason to believe that this protected group presents an imminent threat of
13 serious harm to law enforcement or others. LAPD’s violation of these rights is
14 therefore actionable under § 1983, and this Court has inherent equitable power to issue
15 injunctive relief. *Porter v. Warner Holding Co.*, 328 U.S. 395, 397–98 (1946) (where
16 plaintiff seeks to enjoin a defendant’s illegal acts and practices, court’s jurisdiction is
17 equitable and “all the inherent equitable powers of the District Court are available for
18 the proper and complete exercise of that jurisdiction,” which are “even broader and
19 more flexible” when the public interest is involved).

20 **II. PLAINTIFFS WILL SUFFER IRREPARABLE HARM WITHOUT THE**
21 **COURT’S INTERVENTION.**

22 The Ninth Circuit has held that “a party seeking preliminary injunctive relief in a
23 First Amendment context can establish irreparable injury sufficient to merit the grant of
24 relief by demonstrating the existence of a colorable First Amendment claim.”

25 *Warsoldier v. Woodford*, 418 F.3d 989, 1001 (9th Cir. 2005); *id.* 1002 (“‘The loss of
26 First Amendment freedoms, for even minimal periods of time, unquestionably
27 constitutes irreparable injury’ for purposes of the issuance of a preliminary injunction.”
28 (citing *Elrod v. Burns*, 427 U.S. 347, 373 (1976)); accord *Best Friends Animal Soc’y v.*
Macerich Westside Pavilion Prop. LLC, 193 Cal. App. 4th 168, 185 (2011) (applying
Elrod standard to state speech claim). More generally, because constitutional violations

1 can often not be adequately remedied through damages, the Ninth Circuit does “not
2 require a strong showing of irreparable harm for constitutional injuries.” *Cuviello v. City*
3 *of Vallejo*, 944 F.3d 816, 833 (9th Cir. 2019). Similarly, the guarantees of press access
4 protected by § 409.7, which support constitutional guarantees of press access, cannot be
5 adequately remedied by damages.

6 Because Plaintiffs have, at minimum, raised a colorable claim that the exercise of
7 their constitutional and statutory rights to gather news and report on government activity
8 in public, without fear or excessive force, have been infringed, they have satisfied the
9 irreparable-injury requirement. *See id.* Members of the press are being shot by LAPD
10 and are suffering serious injury as a consequence. As long as the Government is free to
11 use less lethal munitions against nonviolent journalists, Plaintiffs’ exercise of their First
12 Amendment rights will “surely [be] chilled.” *Black Lives Matter Seattle-King Cnty. v.*
13 *City of Seattle, Seattle Police Dep’t*, 466 F. Supp. 3d 1206 (W.D. Wash. 2020). And
14 because Penal Code § 409.7 and § 13652 protect and enable Plaintiffs’ constitutional
15 rights to be present at protests and to gather news and report on them, LAPD’s
16 abridgment of those rights by using force against journalists and preventing them from
17 reporting also constitutes irreparable harm.

18 **III. THE PUBLIC’S INTEREST AND BALANCE OF EQUITIES WEIGH**
19 **STRONGLY IN FAVOR OF PLAINTIFFS.**

20 The Court “must balance the competing claims of injury and must consider the
21 effect on each party of the granting or withholding of the requested relief.” *Winter*, 555
22 U.S. at 24. Since this case involves government actors, the balance of equities factor
23 merges with the fourth factor, public interest. *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d
24 1073, 1092 (9th Cir. 2014).

25 This balance tilts sharply in Plaintiffs’ favor. First, the balance of equities and
26 public interest always favor “prevent[ing] the violation of a party’s constitutional
27 rights.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (internal quotation
28 marks omitted); accord, *Cnty. House, Inc. v. City of Boise*, 490 F.3d 1041, 1059 (9th

1 Cir. 2007). *Am. Beverage Ass’n v. City & Cnty. of San Francisco*, 916 F.3d 749, 758
2 (9th Cir. 2019).

3 The public interest also strongly favors protecting the rights of journalists
4 covering public protests. “[I]n a society in which each individual has but limited time
5 and resources with which to observe at first hand the operations of his government, he
6 relies necessarily upon the press to bring to him in convenient form the facts of those
7 operations.” *Cox Broad. Corp. v. Cohn*, 420 U.S. 469, 491 (1975). The public depends
8 on journalists for “[f]irsthand accounts, buttressed by video evidence,” which “enhance
9 accuracy and credibility in reporting and increase transparency and reader trust.” *People*
10 *for the Ethical Treatment of Animals, Inc. v. N. Carolina Farm Bureau Fed’n, Inc.*, 60
11 F.4th 815, 829 (4th Cir. 2023). “When wrongdoing is underway, officials have great
12 incentive to blindfold the watchful eyes of the Fourth Estate,” and the public interest
13 demands protecting the media’s role as “surrogates for the public” to report on
14 controversial events. *Leigh*, 677 F.3d at 900.

15 Finally, but importantly, Plaintiffs’ proposed relief would not impose hardship on
16 Defendants because the relief largely tracks existing substantive requirements. Penal
17 Code § 409.7 already limits Defendants’ use of force against journalists and prohibits
18 them from excluding journalists from closures at protests or arresting them for failure to
19 disperse. Clark Decl. ¶ 13. Penal Code § 13652 already imposes limitations on
20 Defendants’ use of LLMs at protests generally, including against journalists. Defendants
21 are additionally already subject to an injunction regulating their use of certain LLMs
22 through the *Black Lives Matter* Injunction. *See Black Lives Matter Los Angeles*, 2021
23 WL 3162706, at *4; Sobel Dec ¶ 18. LAPD is amply capable, if it chose to do so, of
24 avoiding deliberately or indiscriminately using force against journalists, of
25 distinguishing journalists from protestors, and of providing journalists the access and
26 treatment that LAPD is statutorily required to provide. Clark Decl. ¶¶ 10-13. Further
27 proof that the order is not an unreasonable hardship is that LAPD’s written policies and
28 directives largely require the same things that the requested injunction would do. Clark

Decl. ¶¶ 14-31.

Plaintiffs propose a TRO and preliminary injunction that would require LAPD to follow the mandates of Penal Code §§ 409.7 and 13652 and the BLM injunction (specifically as to journalists), with certain actionable requirements to help ensure implementation and guard against further abuse, including:

- Confirming the definition of a journalist subject to these protections, based on California law, and providing indicia for identifying journalists, based largely on the criteria established in *Index Newspapers LLC v. City of Portland*, 480 F. Supp. 3d 1120, 1156 (D. Or. 2020), and upheld by the Ninth Circuit, as well as LAPD’s own stated policy that it “WILL recognize individuals who self-identify as media representatives and will NOT require specific media credentials,” *see* Sobel Dec., Exh. 79 (Departmentwide memo from Deputy Chief & Chief of Staff Dominic Choi dated Oct. 30, 2020).⁸
- Ensuring that the Department provides the Preliminary Injunction to all officers and re-issues its policy on protests within 10 days, and does not deploy officers to protests that have not acknowledged receipt and review.

The Preliminary Injunction proposed by Plaintiffs would provide minimally burdensome additional procedures to ensure compliance with the law:

- Ensuring that the Department re-issues its policy on policing protests (including policies on LLMs) along with copies of the Preliminary Injunction to officers every six months, and does not deploy officers to protests that have not acknowledged they received and reviewed the materials.
- Designating a Journalists’ Compliance Liaison for the Department at the rank of captain or above charged with ensuring compliance with the Preliminary Injunction, as well as receiving and tracking complaints of violations.

⁸ This injunction protects all journalists covering the protests at issue because such breadth is necessary to give Plaintiffs the complete relief to which they are entitled. *Easyriders Freedom F.I.G.H.T. v. Hannigan*, 92 F.3d 1486, 1501 (9th Cir. 1996).

- Designating an Acting Journalists Compliance Liaison at the rank of lieutenant or above for every protest to which LAPD deploys officers, and providing Plaintiffs with the contact information to allow prompt reporting and resolution of any alleged violations of the Injunction.

Any hardship on Defendants in complying with these minimal provisions, which act only to ensure they follow existing legal obligations, is vastly outweighed by the hardship on Plaintiffs from enduring unlawful use of force or restriction of access when exercising statutorily and constitutionally protected right to report on protests.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court grant their ex parte application for a temporary restraining order and issue an order to show cause why a preliminary injunction should not issue.

Dated: July 3, 2025

Respectfully submitted,

LAW OFFICE OF CAROL A. SOBEL
FIRST AMENDMENT COALITION
LAW OFFICE OF PETER BIBRING
SCHONBRUN, SEPLOW, HARRIS,
HOFFMAN & ZELDES
LAW OFFICE OF SUSAN SEAGER

By: /s/ Peter Bibring
Peter Bibring

Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Carol A Sobel SBN 84483
Weston Rowland SBN 327599
Law Office of Carol A. Sobel
2632 Wilshire Boulevard, #552
Santa Monica, CA 90403
t. (310) 393-3055
e. carolsobellaw@gmail.com
e. rowland.weston@gmail.com

David Loy SBN 229235
Aaron R. Field SBN 310648
First Amendment Coalition
534 4th St., Suite B
San Rafael, CA 94901
t.(415) 460-5060
e. dloy@firstamendmentcoalition.org
e. afield@firstamendmentcoalition.org

Peter Bibring SBN 223981
Law Office of Peter Bibring
2140 W Sunset Blvd # 203,
Los Angeles, CA 90026
t.(213) 471-2022
e. peter@bibringlaw.com

Paul Hoffman, SBN 71244
Michael Seplow, SBN 150183
John Washington, SBN 315991
Schonbrun, Seplow, Harris, Hoffman
& Zeldes LLP
200 Pier Avenue #226
Hermosa Beach, California 90254
t.(310) 396-0731
e. hoffpaul@aol.com
e. msepflow@sshhzlaw.com
e. jwashington@sshhlaw.com

Susan E Seager SBN 204824
Law Office of Susan Seager
128 N. Fair Oaks Avenue
Pasadena, CA 91103
t. (310) 890-8991
e. susanseager1999@gmail.com

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

LOS ANGELES PRESS CLUB,
STATUS COUP,

PLAINTIFFS,

v.

CITY OF LOS ANGELES, a municipal
entity, JIM MCDONNELL, LAPD
CHIEF, sued in his official capacity;

DEFENDANTS.

Case No. 2:25-CV-05423-HDV-E

[PROPOSED] ORDER:
GRANTING PLAINTIFFS' EX PARTE
APPLICATION FOR A TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE RE
PRELIMINARY INJUNCTION

DATE: TBD
TIME: TBD
CTRM: 5B HON. HERNAN VERA

1 **[PROPOSED] ORDER GRANTING PLAINTIFFS' EX PARTE**
2 **APPLICATION FOR A TEMPORARY RESTRAINING ORDER AND**
3 **ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION**

4 Pursuant to Rule 65 of the Federal Rules of Civil Procedure and Central
5 District Local Rule 65-1, Plaintiffs Los Angeles Press Club and Status Coup
6 (collectively "Plaintiffs"), filed an Ex Parte Application for a Temporary
7 Restraining Order and Order to Show Cause Why a Preliminary injunction should
8 not issue. Having thoroughly considered Plaintiffs' motion and the declarations
9 and exhibits filed in support thereof, Defendant City of Los Angeles' opposition, if
10 any, the evidence submitted in support of and in opposition to the motion, and the
11 arguments of counsel for Plaintiffs and Defendant, the Court hereby finds good
12 cause to order the requested relief and hereby GRANTS Plaintiffs' application.

13 **A. The Standards for Issuance of a Temporary Restraining Order**

14 **1. Standard for Issuing a Temporary Restraining Order**

15 The purpose of a temporary restraining order is to preserve the status quo and
16 prevent irreparable harm until a motion for a preliminary injunction can be heard.
17 See *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers*,
18 415 U.S. 423, 429 (1974). The Court may grant a temporary restraining order
19 without providing an opportunity for Defendants to respond "if specific facts in an
20 affidavit or verified complaint clearly show that immediate and irreparable injury,
21 loss, or damage will result to the movant before the adverse party can be heard in
22 opposition." Fed. Rule Civ. P. 65(b)(1). The Court finds that Plaintiffs have made
23 such a showing, necessitating a preliminary ruling on the record before the Court.

24 The test for issuance of a temporary restraining order is the same as the test
25 for a preliminary injunction. See *Stuhlbarg Int'l Sales Co., Inc. v. John D. Brush &*
26 *Co., Inc.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). A plaintiff seeking a preliminary
27 injunction must establish (1) likely success on the merits; (2) likely irreparable harm
28

1 in the absence of preliminary relief; (3) that the balance of equities tips in the
2 plaintiff's favor; and (4) that an injunction is in the public interest. *Winter v. Natural*
3 *Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The standard for preliminary relief
4 is the same whether the moving party seeks to maintain the status quo or stop a
5 continuing deprivation of rights. *Textile Unlimited, Inc. v. ABMH & Co.*, 240 F.3d
6 781, 786 (9th Cir. 2001).

7 Plaintiffs have the “general burden of establishing the elements necessary to
8 obtain injunctive relief[; however,[the City has the burden of justifying the
9 restriction on speech.” *Klein v. City of San Clemente*, 584 F.3d 1196, 1201 (9th Cir.
10 2009) (bracketed edit supplied).

11 **B. Plaintiffs Have Shown Strong Probability of Prevailing on the Merits**

12 Plaintiffs have shown a strong probability of prevailing on the merits.
13 Plaintiffs have members who are journalists and have been or are at substantial and
14 imminent risk of being unlawfully subjected to force through the LAPD’s improper
15 use of less-lethal munitions (“LLMs”), batons and horses, and/or the exclusion from
16 access to coverage of police activity in protests occurring since about June 5, 2025.

17 Plaintiffs have shown a strong probability of prevailing on the claim that,
18 during rolling closures at demonstrations where individuals are engaged in First
19 Amendment-protected activity, the LAPD has engaged in a custom and practice of
20 prohibiting journalists from entering closed areas and intentionally assaulting,
21 interfering with, and obstructing journalists who are gathering, receiving, or
22 processing information for communication to the public, in violation of California
23 Penal Code section 409.7(a). Plaintiffs have also shown a strong probability of
24 prevailing on their claim that the LAPD, when using LLMs in crowds where
25 journalists are present, have failed to minimize the possible incidental impact of
26 their use of kinetic energy projectiles and chemical agents on journalists, and have
27 failed to use LLMs as required by California Penal Code section 13652. Plaintiffs
28

1 have further shown a likelihood of prevailing on their claim that LAPD has deprived
2 them of these rights through threats, intimidation, and coercion, namely the
3 threatened and actual use of LLMs against journalists, and the detention and arrest
4 of journalists, in violation of the Bane Act, California Civil Code section 52.1.

5 Plaintiffs have shown that the exclusion of the press, including their members,
6 has occurred under threat of detention and/or arrest. Plaintiffs have established a
7 strong case that their members are and have been engaged in protected activities
8 under the federal and state constitutions, as well as the statutory laws of the State
9 of California, and that the force used against their members would chill a person of
10 ordinary firmness from exercising their rights under Art. I, section 2 of the
11 California Constitution and the First Amendment and continuing to engage in
12 protected activity, and that their members' protected activity was a substantial
13 motivating factor for the force used against them.

14 Plaintiffs have members who are journalists who have been or are at
15 substantial and imminent risk of being shot with the challenged projectiles and
16 chemical irritants, causing them a range of injuries, including some so serious that
17 they required immediate medical attention. They have shown that they have
18 members who have been and want to continue to be engaged in core First
19 Amendment activity as members of the press documenting the public's response to
20 government practices in matters that have gripped the attention of the entire nation,
21 or opposing those practices. They have shown that their members have been or are
22 at substantial and imminent risk of being subjected to unlawful force just for being
23 present in a public forum and documenting the Los Angeles Police Department's
24 actions. Plaintiffs have also shown that their members have been or are at
25 substantial and imminent risk of being denied the guaranteed right of access for the
26 press in similar protests as affirmed by the Ninth Circuit in *Index Newspapers LLC*
27 *v. United States Marshals Serv.*, 977 F.3d 817, 838 (9th Cir. 2020), and
28

1 independently guaranteed by California law in Penal Code section 409.7. Plaintiffs
2 have also shown that they are entitled to injunctive relief because LAPD's actions
3 have forced them to divert resources from their primary missions.

4 Plaintiffs have also established a strong need for injunctive relief based on
5 the evidence that here the challenged police misconduct is recurring and persistent
6 and that such "misconduct flow[s] from a policy [or] plan." *Easyriders Freedom*
7 *F.I.G.H.T. v. Hannigan*, 92 F. 3d 1486, 1500 (9th Cir. 1996).

8 Plaintiffs showing that they are likely to prevail on their claims under the
9 California Constitution and California statutes provides sufficient grounds to grant
10 all the relief they seek, the Court reaches Plaintiff's claims under the Constitution
11 only as alternative grounds for relief.

12 **C. The Balance of Hardships Tips Sharply in Plaintiffs' Favor**

13 The balance of hardships tips sharply in Plaintiffs' favor in this instance.
14 They have shown that they have and will continue to suffer irreparable injury if the
15 requested relief is not granted. *Walczak v. EPL Prolong, Inc.*, 198 F.3d 825, 831
16 (9th Cir. 1999). The declarations submitted by Plaintiffs confirm the physical
17 injuries suffered and that are likely to suffered by members of Plaintiffs and other
18 members of the press as a result of the use of force by Defendants in the ongoing
19 protests. They assert that their members must choose between exercising their First
20 Amendment rights and protecting their personal safety from potentially serious
21 physical injury inflicted by Defendants. The loss of First Amendment freedoms "for
22 even minimal periods of time unquestionably constitutes irreparable injury." *Elrod*
23 *v. Burns*, 427 U.S. 347, 373 (1976); *Index Newspapers*, 977 F.3d at 838.

24 The physical injuries to repeated amounts of these chemical irritants can
25 result in permanent injuries, including blindness, glaucoma, or death from chemical
26 burns to the throat and lungs or respiratory failure. When used for crowd control,
27 these chemical weapons are unavoidably indiscriminate, making it difficult to
28

1 restrict exposure to individuals suspected of alleged criminal activity. In some
2 instances, these weapons may cause death because of the impact on the
3 cardiovascular and respiratory systems.

4 The Court also notes that the terms of injunction below borrow heavily from
5 California law and the preliminary injunction issued by the district court in *Index*
6 *Newspapers LLC v. City of Portland*, 480 F. Supp. 3d 1120, 1156 (D. Or. 2020),
7 based on a similar pattern of targeting the press at protests and approved by the
8 Ninth Circuit *Index Newspapers LLC v. United States Marshals Serv.*, 977 F.3d 817
9 (9th Cir. 2020). It can be no hardship to order defendants to follow California law
10 that should already govern them.

11 Additionally, Defendants are already subject to an injunction regulating their
12 use of crowd control weapons in protests generally. *See* Preliminary Injunction,
13 Dkt. No. 102, *Black Lives Matter v. City of Los Angeles*, Case 2:20-cv-05027\ (May
14 10, 2021). Following the limitations of that injunction as to journalists specifically
15 imposes no additional hardship on LAPD.

16 **D. The Public Interest Supports Issuance of the Injunctive Relief**

17 The final factor the Court must consider is whether the injunction is in the
18 public interest. The public has a fundamental interest in the protection of all
19 people’s constitutional rights.” *See Sammartano v. First Judicial District Ct.*, 303
20 F.3d 959, 973 (9th Cir. 2002).

21 **E. The Requirement to Post a Bond**

22 Federal Rule of Civil Procedure 65(c) requires a bond be posted to ensure the
23 security, if any, to the Defendant from the issuance of injunctive relief. The Court
24 finds that a one-dollar (\$1.00) bond is proper here. The Court has discretion “as to
25 the amount of security required, if any,” under Rule 65(c). A de minimis bond is
26 proper in free speech cases, because a significant bond “would have a negative
27
28

1 impact on plaintiff's constitutional rights, as well as the constitutional rights of other
2 members of the public." *Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp.
3 719, 738 (C.D. Cal. 1996) (citation omitted); *see also Bible Club v. Placentia-Yorba*
4 *Linda Sch. Dist.*, 573 F. Supp. 2d 1291, 1302 n.6 (C.D. Cal. 2008) ("Given that this
5 case involves the probable violation of the Bible Club's First Amendment rights,
6 and that the damages to the District of issuing this injunction seem minimal, if they
7 exist at all, the Bible Club need not post a bond.").

8 9 **TEMPORARY RESTRAINING ORDER**

10 Accordingly, the Court ORDERS Defendants and their agents and
11 employees (collectively, the "LAPD") as follows:

- 12 1. LAPD shall follow all legal requirements imposed by California Penal
13 Code §§ 409.7 and 13652, including those set forth specifically below.
- 14 2. As used herein, "journalist" includes any duly authorized representative
15 of any news service, online news service, newspaper, or radio or
16 television station or network. Consistent with the terms of Penal Code
17 § 409.7, a "journalist" under this order includes not just reporters with
18 established newspaper, magazine, television and radio networks and
19 services, but also journalists for any "online news service," which
20 includes both online publications of legacy news organizations and
21 independent online news sites and solo journalists who have established
22 their own online site or service for the purpose of gathering, selecting,
23 preparing, and publishing news and information about current events of
24 interest on a periodic basis to a mass audience. *See O'Grady v. Superior*
25 *Court*, 139 Cal. App. 4th 1423 (2006).
- 26 3. Given the impracticability of determining whether any given journalist is
27 a member of one or both Plaintiffs during an active protest, this
28

1 injunction protects all journalists covering the protests at issue because
2 such breadth is necessary to give Plaintiffs the complete relief to which
3 they are entitled. *See Easyriders*, 92 F.3d at 1501–02.

4 4. If LAPD or another law enforcement agency establishes a police line or
5 rolling closure at a demonstration, march, protest, or rally where
6 individuals are engaged in activity that is protected pursuant to the First
7 Amendment to the United States Constitution or Article I of the
8 California Constitution, LAPD is ENJOINED from:

9 a. Prohibiting a journalist from entering or remaining in the closed
10 areas.

11 b. Intentionally assaulting, interfering with, or obstructing any
12 journalist who is gathering, receiving, or processing information
13 for communication to the public (including by restricting
14 journalists to areas from which they do not have sufficient
15 opportunity to observe and report on protests, including the
16 interaction between police and protestors).

17 c. Citing, detaining, or arresting a journalist who is in a closed area
18 for failure to disperse, curfew violation, or obstruction of a law
19 enforcement officer for gathering, receiving, or processing
20 information. If LAPD detains or arrest a person who claims to be a
21 journalist, that person shall be permitted to promptly contact a
22 supervisory officer of the rank of captain or above for purposes of
23 challenging that detention, unless circumstances make it
24 impossible to do so.
25

26 5. LAPD is further ENJOINED from using less-lethal munitions (“LLMs”)
27 and other crowd control weapons (including kinetic impact projectiles
28 (“KIP”s), chemical irritants, and flash-bangs) against journalists who are

1 not posing a threat of imminent harm to an officer or another person.

2 LAPD is enjoined from using LLMs and crowd control weapons except
3 when objectively reasonable to defend against a threat to life or serious
4 bodily injury to any individual, including any peace officer, or to bring an
5 objectively dangerous and unlawful situation safely and effectively under
6 control, and without following the requirements of Penal Code § 13652:

- 7 a. De-escalation techniques or other alternatives to force have been
8 attempted, when objectively reasonable, and have failed.
- 9 b. Repeated, audible announcements are made announcing the intent to
10 use kinetic energy projectiles and chemical agents and the type to be
11 used, when objectively reasonable to do so. The announcements shall
12 be made from various locations, if necessary, and delivered in
13 multiple languages, if appropriate.
- 14 c. Persons are given an objectively reasonable opportunity to disperse
15 and leave the scene.
- 16 d. An objectively reasonable effort has been made to identify persons
17 engaged in violent acts and those who are not, and kinetic energy
18 projectiles or chemical agents are targeted toward those individuals
19 engaged in violent acts. Projectiles shall not be aimed indiscriminately
20 into a crowd or group of persons.
- 21 e. Kinetic energy projectiles and chemical agents are used only with the
22 frequency, intensity, and in a manner that is proportional to the threat
23 and objectively reasonable.
- 24 f. Officers shall minimize the possible incidental impact of their use of
25 kinetic energy projectiles and chemical agents on bystanders, medical
26 personnel, journalists, or other unintended targets.
27
28

- 1 g. Kinetic energy projectiles shall not be aimed at the head, neck, or any
2 other vital organs (including face, eyes, kidneys, chest, groin or
3 spine).
- 4 h. Kinetic energy projectiles or chemical agents shall not be used by any
5 law enforcement agency solely due to any of the following:
- 6 • A violation of an imposed curfew.
 - 7 • A verbal threat.
 - 8 • Noncompliance with a law enforcement directive.
- 9 i. If the chemical agent to be deployed is tear gas, only a commanding
10 officer at the scene of the assembly, protest, or demonstration may
11 authorize the use of tear gas.
- 12 6. LAPD is further subject to following the following restrictions in its use
13 of force against journalists or against crowds where journalists are
14 present:
- 15 a. LAPD is restricted from using the 40mm and 37mm launchers in
16 public demonstrations where journalists are present except by officers
17 who successfully completed Department training and meet all annual
18 qualification requirements on the weapons;
 - 19 b. An officer may use 40mm less-lethal munitions in protests where
20 journalists are present only when the officer reasonably believes that a
21 suspect is violently resisting arrest or poses an immediate threat of
22 violence or physical harm. The use of 40mm less-lethal munitions
23 should be preceded by a warning, if feasible, consistent with the Use
24 of Force Warning set forth in LAPD Use of Force – Tactics Directive
25 No. 17;
26
27
28

- 1 c. An officer may use 37mm less-lethal munitions as a crowd control
2 tool in protests or crowd control situations where journalists are
3 present only with the prior approval of the incident commander and
4 only when a dispersal order has been issued, unless immediate action
5 is necessary to stop violence, to ensure public safety and restore order.
6 A warning to disperse must be given, consistent with all of the
7 dispersal order requirements set forth in LAPD Use of Force – Tactics
8 Directive No. 11.1, and then the officer may fire the 37 mm at the
9 ground 5 to 10 feet in front of the crowd. The 37 mm may not be used
10 as a target-specific munition unless absolutely necessary to prevent
11 imminent serious bodily injury to the officer or others;
12
13 d. The 40 mm and 37 mm launchers should only be fired at a distance of
14 five feet or greater from another person, unless an officer or other
15 person is attacked and there is a threat of imminent serious harm.
- 16 7. LAPD does not violate this Order if a journalist is incidentally exposed to
17 crowd-control devices after remaining in the area where such devices
18 were deployed and LAPD has otherwise complied with the terms of this
19 provision.
- 20 8. To facilitate the LAPD's identification of journalists protected under this
21 Order, the following shall be considered indicia of being a journalist:
- 22 • visual identification as a member of the press:
 - 23 ○ to serve as identification as a journalist, a credential need not be
 - 24 issued by a law enforcement agency, but can be, for example,
 - 25 an employee identification from a news organization, a press
 - 26 credential or membership ID from trade groups such as Los
 - 27 Angeles Press Club or National Press Photographers
 - 28 Association, or a credential for journalism majors or school

news publications at an accredited college, university or secondary school.

- carrying professional gear such as professional photographic equipment;
- wearing or displaying any press credentials issued by a governmental agency, although such credentials are not necessary;
- distinctive clothing that identifies the wearer as a member of the press

It also shall be an indicium of being a journalist under this Order that the person is standing off to the side of a protest, not engaging in protest activities, and not intermixed with persons engaged in protest activities, although these are not requirements.

Forms of identification of media that are not readily visible can also include business cards, letters of assignment for freelancers on news organization letterhead, requests by a journalist that officers call a news organization editor or review a news website to verify journalist's byline.

These indicia are not exclusive, and a person need not exhibit every indicium to be considered a journalist under this Order. Defendants shall not be liable for unintentional violations of this Order in the case of an individual who does not carry or wear a press pass, badge, or other official press credential, professional gear, or distinctive clothing that identifies the person as a member of the press.

9. Nothing in this Order precludes LAPD from detaining or arresting a journalist who engages in any unlawful activity other than remaining in a closed area or failing to disperse as discussed above. Nothing in this order precludes LAPD from issuing otherwise lawful crowd-dispersal orders.

ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION

Defendants are also hereby ORDERED TO SHOW CAUSE why a preliminary injunction should not issue continuing the above Temporary Restraining Order, along with these additional terms:

10. To promote compliance with this Preliminary Injunction, LAPD is ordered to notify all sworn officers of the Court's finding that Plaintiffs' evidence of the LAPD's conduct during the protests in June 2025 established that they are likely to succeed on the merits of their claim that LAPD engaged in a pattern of violating the rights of journalists under California Penal Code §§ 409.7 and 13652, and the U.S. and California constitutions. LAPD is further ordered to provide copies of the verbatim text of the first seven provisions of this Preliminary Injunction, in either electronic or paper form, within 7 calendar days to all sworn officers. Nothing in this provision prevents LAPD from providing its officers with further information or training to ensure compliance with this Order and its legal obligations to protect journalists at protests from unlawful detention, arrest, and use of force. LAPD shall provide Plaintiffs with a copy of any training or notification related to this provision given too all officers or to officers assigned to protests, within three calendar days.

11. The Department shall re-issue their policies on policing protests, along with this preliminary injunction, at least every six months to all officers and shall require officers' acknowledgment that they have reviewed them. The Department shall not deploy to police a protest any officer that has not acknowledged review within the previous six months.

12. Within 30 days, the Department shall file a a status update describing a plan to train officers and ensure compliance with California law and the U.S. and California constitutions with respect to the rights of journalists at protests. Plaintiffs may file a response within 21 days.

1 13. No later than 30 days from the date of this Order, the Department
2 shall designate a Journalists Compliance Liaison at the rank of captain or above
3 charged with ensuring compliance with the terms of this Order, as well as the terms
4 of Penal Code §§ 409.7 and 13652 as to journalists. The Journalists Compliance
5 Liaison shall accept complaints that LAPD violated the rights of journalists and
6 shall track all complaints alleging violations of journalists' rights.

7 14. At any protest to which LAPD deploys, the Department shall appoint
8 member of the Department at the rank of lieutenant or above or above to act as an
9 Acting Journalists' Compliance Liaison, whose primary assignment shall be to
10 ensure compliance with the terms of this Order and the Department's legal
11 obligations as to journalists. The Department shall provide Plaintiffs with name,
12 email, and a cell phone number for the Acting Journalists' Compliance Liaison to
13 allow reporting and resolution of any possible violations of this Order.

14 The hearing on a preliminary injunction is set for July ____, 2025 at ____ in
15 Courtroom 5B on the fifth floor of the United States Courthouse for the Central
16 District of California at 350 W. 1st Street, Los Angeles, California 90012.

17 Defendants are to file a response, if any, no later than ____ and Plaintiffs
18 are to file a reply, if any, no later than ____.

19 **IT IS FURTHER ORDERED** that:
20

21 1. Plaintiffs shall post a one dollar (\$1.00) bond to satisfy the security requirement
22 of Federal Rule of Civil Procedure 65(c).

23 2. This Order is effective immediately upon issuance.

24 3. The Court shall retain jurisdiction to enforce the terms of this Temporary
25 Restraining Order and any preliminary injunction the Court may issue.

26 Dated: ____, 2025

27 _____
Hon. Hernán D. Vera