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

LOS ANGELES PRESS CLUB,  
STATUS COUP,  
  
Plaintiffs,  
  
vs.

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

**CASE NO. 25-CV-05423 HDV-E**  
**DEFENDANTS' OPPOSITION TO**  
**PLAINTIFFS' MOTION FOR**  
**PRELIMINARY INJUNCTION**

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

“Jen and Chief – Just want to say a thank you to your teams last night in the height of the mess treating us fairly and professionally as things were unfolding. Same all week. I know we can be a pain in the booty to your field teams but they have been fair. And once things calmed down they were all smiles. Anyway thank you for keeping us safe and not hitting us with less lethal. Happy Father’s Day to the fathers out there.”

ABC News Correspondent Alex Stone’s kind message on June 15, 2025 to Chief McDonnell and LAPD Public Information Director Jennifer Forkish reflects LAPD’s goal to partner with news media and shows that LAPD takes care to ensure journalists can perform their important and necessary newsgathering roles and does not, contrary to Plaintiffs’ contention, target or retaliate against journalists.

This is not the sole evidence demonstrating this reality. Defendants submit policies, officer body-worn video, and other evidence that either directly refute Plaintiffs’ evidence or provides necessary perspective and context. Here are two examples: Michael Nigro contends he was shot at by law enforcement (he doesn’t specify which agency), because he was standing on a bridge and heard three pings on a pole next to his head. That bridge has no pole, however. Plaintiffs also rely on video of Australian reporter Lauren Tomasi being hit by an LLM munition, concluding based on that video that LAPD was targeting journalists. But officer body-worn video shows the officer was targeting people near Ms. Tomasi who were throwing bottles at officers. And if there was any ambiguity, the officer was narrating that he was targeting the bottle-throwers—making no mention of Ms. Tomasi as she was embedded in a crowd of protestors. That Ms. Tomasi was struck is unfortunate and regrettable, but there was clearly no intent to hit her. Plaintiffs are wrong in contending that journalists were away from protestors who were attacking officers, and wrong that LAPD targeted journalists.

Despite the prominence of this evidence, the heart of Plaintiffs’ case is their claim that LAPD improperly restricted media access to certain areas, in violation of Cal. Penal Code § 409.7. The evidence refutes this contention as well, as LAPD routinely granted media members

1 access to areas closed to the general public. What is also clear are the ambiguities regarding  
2 what Section 409.7 requires: Must law enforcement allow “duly authorized representatives” of  
3 news organizations to flow like water in and out of police lines? How closely in front or behind  
4 of a police line is the press (and their crews) allowed to stand while newsgathering? Must law  
5 enforcement accommodate a duly authorized representative’s desire to get the perfect shot—  
6 even if that interferes with law enforcement operations or presents a safety risk? Who is a “duly  
7 authorized representative”? A reporter *and* their security team? And who decides?

8 Before answering any of these substantive questions, there are threshold questions of  
9 what claims the Court can hear and what claims the Court should hear. As discussed below,  
10 Plaintiffs have not demonstrated supplemental jurisdiction over their state law claims, but even  
11 if they could, they lack standing to bring their claims and to seek a preliminary injunction. And  
12 even if Plaintiffs make these showings, *Pullman* abstention applies because the substantial  
13 issues of ambiguous California law that Plaintiffs raise should be decided in the first instance  
14 by a California court.

15 Plaintiffs are not entitled to the “extraordinary remedy” of a preliminary injunction. Not  
16 only have they failed to demonstrate a likelihood of success on the merits of their claims, but  
17 they also have not demonstrated the necessity of injunctive relief at this preliminary stage  
18 rather than after trial following full discovery to present the full picture of what happens at  
19 events like those of June 8-16.

## 20 **II. RELEVANT BACKGROUND**

21 The civil unrest from June 8-16, 2025 was far more violent, confrontational, and  
22 strategic than the civil unrest that followed George Floyd’s murder in the summer of 2020. In  
23 contrast with those protests, when activists assaulted officers and then retreated, in June  
24 activists stood their ground and were prepared to violently confront law enforcement. Activists  
25 also infiltrated LAPD radio communications and moved protest groups based on what they  
26 heard. Activists distributed shields, helmets, gas masks, and other gear in an attempt to  
27 undermine LAPD’s crowd control tactics. In fact, some activists formed logistical hubs to  
28 efficiently distribute those supplies to protestors. Activists also moved and separated protest

1 groups in a deliberate effort to stretch thin LAPD resources and undermine law enforcement's  
2 effectiveness in controlling the crowd and preventing property destruction. On several  
3 occasions law enforcement observed activists preparing to break into government buildings and  
4 unload wrenches and other tools. (Declaration of Ryan Whiteman ["Whiteman Decl."], ¶ 4).

5 What may have started as protests against federal immigration actions devolved into  
6 wanton criminal activity against LAPD officers on the afternoon of Sunday, June 8, 2025. (*Id.*,  
7 ¶ 5.) Around 3:30 p.m., protestors hurled materials from a nearby construction site at officers.  
8 (*Id.*, ¶ 6.) Around 3:47 p.m., two motorcyclists drove into a skirmish line, injuring two LAPD  
9 officers. Emergency Medical Technicians treated the officers at the scene but had trouble  
10 transporting them because of the massive crowd. Around 5:00 p.m., activists threw Molotov  
11 cocktails and commercial grade fireworks at officers near the Roybal Federal Building. Around  
12 5:15 p.m., activists torched two Waymo self-driving cars near the intersection of Los Angeles  
13 Street and Arcadia Street. LAPD learned that activists would summon a Waymo to their  
14 location in order to destroy it. Around 5:30 p.m., law enforcement saw activists attempt to scale  
15 the fence surrounding the Metropolitan Detention Center. Given the growing crowd and chaos,  
16 around 6:30 p.m., public transportation had to bypass the area. Around 7:10 p.m., on Spring  
17 Street north of Temple Street, activists created a barricade using the pink metal infrastructure  
18 from Grand Park and motorcyclists pulled up to it. A few minutes later, the crowd behind the  
19 barricade began to fling commercial grade fireworks and pieces of concrete curb at officers.  
20 LAPD used tear gas to bring the dangerous situation under control and then officers  
21 disassembled the barricade. (*Id.*, ¶ 6, Exs. D - G.) About an hour and a half later, protestors  
22 created a barricade across Main Street using wrought iron fencing and when officers attempted  
23 to disassemble and surmount the barricade, an incendiary device exploded in an officer's face.  
24 (*Id.*, ¶ 7, Ex. H.)

25 On Monday, June 9, 2025 at around 9:00 p.m., officers reported protestors throwing  
26 projectiles at them. Around 10:00 p.m., an officer was struck with a projectile requiring a  
27 rescue ambulance. Protestors also set several fires. Around 11:45 p.m., protestors set a vehicle  
28 on fire; homemade spike strips prevented the LAFD from responding to the scene. (*Id.*, ¶ 8.)

1 On Tuesday, June 10, at around 1:28 p.m., at the intersection of Alameda Street and Temple  
2 Street, protestors blocked traffic lanes, so that opposing traffic would travel in the wrong lanes,  
3 risking a head-on collision. The crowd ignored officers' orders to get on the sidewalk and  
4 disperse. Throughout the afternoon, officers reported that protestors were hurling projectiles at  
5 them. (*Id.*)

6 On Wednesday, June 11, at around 6:00 p.m. at the Hill and Third Street intersection,  
7 the crowd swelled to 800-900 people and officers reported protestors hurling commercial grade  
8 fireworks at them. Throughout the evening and night, officers continued to report projectiles,  
9 including mortars, being hurled at them. Officers arrested two individuals for assault with a  
10 deadly weapon. (*Id.*) On Thursday, June 12, at around 6:46 p.m., a crowd arrived at the  
11 intersection of Alameda Street and Aliso Street with shields. At around 7:42 p.m., at First Street  
12 and Broadway, officers reported that protestors were throwing rocks and bottles at them. (*Id.*)

13 On Friday, June 13, a Waymo executive informed LAPD it was suspending its operation  
14 in the area given the vandalism to its fleet. At around 3:30 p.m., officers found a bag of rocks  
15 near Motor Transport Division, the facility where LAPD stores its fleet of vehicles. LAPD was  
16 concerned that activists placed this bag of rocks at this location to use later against officers and  
17 property. (*Id.*) On Saturday, June 14, No Kings Day, the crowd swelled to almost 30,000 at  
18 City Hall in the early afternoon. At around 3:00 p.m., protestors attempted to evade officers  
19 positioned around the building and breach the building. Officers attempted to divert the crowd  
20 away from the federal building. At around 3:45 p.m. and throughout the afternoon, officers  
21 reported that protestors threw projectiles at them, including from high ground. (*Id.*, ¶ 9.)

22 On Sunday, June 15, and on Monday, June 16, the protests grew smaller, and slowly  
23 calm and normalcy returned to the area. (*Id.*) LAPD was on tactical alert because of protest  
24 activity in the downtown Los Angeles area from June 9 to 16, 2025. (*Id.*, ¶ 7.)

### 25 **III. LEGAL ARGUMENT**

#### 26 **A. PLAINTIFFS' CLAIMS SHOULD NOT BE HEARD IN THIS COURT**

##### 27 **1. The Lacking Supplemental Jurisdiction Over Plaintiffs' Claims**

28 Plaintiffs are not entitled to a preliminary injunction based on their state law claims



1 because there is no supplemental jurisdiction over their claims arising out of Cal. Penal Code §  
2 409.7 challenging media access and because the Court should decline to exercise supplemental  
3 jurisdiction over Plaintiffs’ remaining state law claims. While the scope of these latter claims  
4 has some overlap with Plaintiffs’ federal law claim (violation of the First Amendment), the  
5 claims predominantly rely on state laws different in scope from federal law, and which require  
6 novel interpretations of state law. Plaintiffs are transparent about this, noting that “[b]oth  
7 statutes codify explicit protections for journalists that stand independent from federal law.” Mot.  
8 at 15, ECF No. 56 at 20.

9 District courts “have supplemental jurisdiction over all other claims that are so related to  
10 claims in the action within such original jurisdiction that they form part of the same case or  
11 controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367. Claims form  
12 part of the same case or controversy when they both “derive from a common nucleus of  
13 operative fact and are such that a plaintiff would ordinarily be expected to try them in one  
14 judicial proceeding.” *Arroyo v. Rosas*, 19 F.4th 1202, 1209 (9th Cir. 2021). Even if claims meet  
15 this standard, two circumstances where a district court may decline supplemental jurisdiction are  
16 (1) the claim raises a novel or complex issue of State law and (2) the claim substantially  
17 predominates over the claim or claims over which the district court has original jurisdiction. *Id.*

18 **a. Plaintiffs’ media access claim is uniquely state law**

19 Plaintiffs’ claim under Cal. Penal Code § 409.7 largely shares no common nucleus of  
20 operative facts with the First Amendment claim. This is because Section 409.7 permits certain  
21 journalists to enter areas closed to the public, a right not conferred by the First Amendment: The  
22 First Amendment, “does not guarantee the press a constitutional right of special access to  
23 information not available to the public generally”; nor does it confer a “right of access to the  
24 scenes of crime or disaster when the general public is excluded.” *Pell v. Procunier*, 417 U.S.  
25 817, 833-34 (1974). Plaintiffs’ Motion relies substantially on contentions that journalists were  
26 precluded from accessing areas closed to the public. *See* Mot. at 6-8. Therefore, there is no basis  
27 for supplemental jurisdiction over Plaintiffs’ challenge to journalist access to areas closed to the  
28 public.

**b. Plaintiffs' other state law claims**

Plaintiffs' other state law claims rely on facts that could also support a claim for a First Amendment violation, but the Court should exercise its discretion to deny supplemental jurisdiction because these claims largely require novel interpretation of state law and they predominate over Plaintiffs' First Amendment claim. Plaintiffs' state law claims largely arise out of two California Penal Code sections that have only been in effect since 2022, Sections 409.7 and 13652. According to Westlaw, no California Court of Appeal has interpreted either section, and, in fact, this Court was the first court to ever reference Section 409.7. Plaintiffs' claims will likely require this Court to be the first to interpret certain aspects of Section 409.7, such as, what constitutes a "duly authorized representative" and who decides who is a "duly authorized representative"? Such a determination seems ripe for challenges of viewpoint discrimination; in fact, Governor Newsom vetoed SB 629, a prior version of Section 409.7, in part out of concerns of granting access to undesirable viewpoints. Veto Message from Gov. Gavin Newsom (Sept. 30, 2020), *available at* <https://www.gov.ca.gov/wp-content/uploads/2020/09/SB-629.pdf> ("This could include those individuals who may pose a security risk - such as white nationalists, extreme anarchists or other fringe groups with on online presence.").

Further, are the rights conferred by Section 409.7 absolute? Are there limits on the movement of a duly authorized representative? Or does Section 409.7 require law enforcement to allow duly authorized representatives to move freely in and out of police lines, no matter how it impacts officer safety or official law enforcement duties? Does Section 409.7 require also allowing a security detail behind a police line? These are all questions that a California court should answer in the first instance. Finally, Section 13652 utilizes various ambiguous restrictions such as "if appropriate," "in a manner that is proportional to the threat," "shall minimize the possible incidental impact," and "when it is reasonable and safe to do so."

As to the latter point, that Plaintiffs' state law claims predominate is apparent from Plaintiffs' Motion, which spends about 3 pages on the merits of the federal law claims and about 10 pages on the merits of the state law claims. *See* Mot. at 11-14. Tellingly, Plaintiffs ask the

1 Court to rely on California law, instead of federal law, to issue an injunction, and, as Plaintiffs  
2 suggest, their claims could be entirely resolved by California law because California’s speech  
3 protections are broader than the First Amendment’s. *Cuviello v. City of Vallejo*, 944 F.3d 816,  
4 826 (9th Cir. 2019) (“As we have recognized, the California Constitution’s protection of free  
5 speech can be broader in some respects than the protection provided by the First Amendment.”).

## 6 **2. *Pullman* Abstention**

7 This Court should dismiss Plaintiffs’ state law claims and abstain from hearing the  
8 federal claim due to *Pullman* abstention. “Under *Pullman* abstention the ‘federal courts have the  
9 power to refrain from hearing cases . . . in which the resolution of a federal constitutional  
10 question might be obviated if the state courts were given the opportunity to interpret ambiguous  
11 state law.’” *Slidewaters LLC v. Wash. State Dep’t of Labor & Indus.*, 4 F.4th 747, 761 (9th Cir.  
12 2021); *see also Cedar Shake & Shingle Bureau v. City of L.A.*, 997 F.2d 620, 622 (9th Cir. 1993)  
13 (“A district court abstaining under *Pullman* must dismiss the state law claim and stay its  
14 proceedings on the constitutional question until a state court has resolved the state issue.”).  
15 Courts utilize three criteria for determining the application of the *Pullman* doctrine: “First, the  
16 case must touch on a sensitive area of social policy upon which federal courts ought not to enter  
17 unless no alternative to its adjudication is open. Second, it must be plain that the constitutional  
18 adjudication can be avoided if a definite ruling on the state issue would terminate the  
19 controversy. Finally, the possible determinative issue of state law must be uncertain.” *Columbia*  
20 *Basin Apartment Ass’n v. City of Pasco*, 268 F.3d 791, 802 (9th Cir. 2001).

21 All three criteria for abstention are met here. First, the issues of media access during  
22 protests and law enforcement use of kinetic energy projectiles and chemical agents are sensitive  
23 areas of social policy which go to the heart of California’s police power. *See Rancho Palos*  
24 *Verdes Corp. v. City of Laguna Beach*, 547 F.2d 1092, 1095 (9th Cir. 1976) (“Federal courts  
25 must be wary of intervention that will stifle innovative state efforts to find solutions to complex  
26 social problems.”). Second, Plaintiffs concede that the federal constitutional question may be  
27 obviated by interpreting California law, as they invite this Court to rule on Plaintiffs’ state law  
28 claims in the first instance without even considering the federal law issues. Mot. at 14-15; *see*

1 *also Askew v. Hargrave*, 401 U.S. 476, 478 (1971) (per curium) (abstention appropriate where  
2 state law claims, if sustained, will obviate the necessity of determining federal constitutional  
3 question). Third, as noted above, the issues of state laws are uncertain. *Courtney v. Goltz*, 736  
4 F.3d 1152, 1163-64 (9th Cir. 2013) (“An issue of state law is ‘uncertain’ if ‘a federal court  
5 cannot predict with any confidence how the state’s highest court would decide an issue of state  
6 law.’”); *see Columbia Basin Apartment Ass’n*, 268 F.3d at 806 (issue of state law uncertain  
7 where no state court ruling).

### 8 **3. Plaintiffs Lack Standing**

9 Both Plaintiffs lack Article III standing to seek a preliminary injunction. First, for much  
10 of the alleged harm Plaintiffs contend they suffered, the relief they seek in this lawsuit will not  
11 redress that harm. Second, other harm alleged, such as Status Coup contending that its business  
12 model is at risk, is too speculative to confer standing.

13 To establish Article III standing, a plaintiff must demonstrate that: (1) it suffered an  
14 injury in fact that is concrete, particularized, and actual or imminent (not conjectural or  
15 hypothetical); (2) the injury is fairly traceable to the challenged conduct; and (3) the injury is  
16 likely to be redressed by a favorable court decision. *Lujan v. Defs. Of Wildlife*, 504 U.S. 555,  
17 560-61 (1992). “And when a plaintiff seeks prospective relief such as an injunction, the plaintiff  
18 must establish a sufficient likelihood of future injury.” *FDA v. Alliance for Hippocratic*  
19 *Medicine*, 602 U.S. 367, 381 (2024) (“*Hippocratic Medicine*”). “Past exposure to illegal conduct  
20 does not in itself show a present case or controversy regarding injunctive relief...if  
21 unaccompanied by any continuing, present adverse effects.” *City of L.A. v. Lyons*, 461 U.S. 95,  
22 102 (1983).

23 **Press Club**. Press Club alleges the following injuries: (1) it “has been required to divert  
24 resources, money and staff time that it would otherwise have been able to devote to its pre-  
25 existing mission of improving the quality of journalism,” Compl. at 6, ¶ 15; (2) its “members  
26 have also suffered excessive force and harassment by LAPD officers in the recent ICE protests  
27 and, as these protests continue, to be threatened with such injuries and violations of the law  
28 challenged by this action,” Compl. at 6, ¶ 15; and (3) its staff had to divert time and resources

1 away from normal tasks, including a June 22, 2025 event, to respond to the alleged violations,  
2 Rose Decl., ¶ 20, ECF No. 19.

3 As to Press Club’s contentions that it had to divert resources to respond to the alleged  
4 wrongful conduct, the Supreme Court has confirmed that is inadequate to confer standing: “The  
5 medical associations respond that . . . standing exists when an organization diverts its resources  
6 in response to a defendant’s actions. . . . That is incorrect.” *Hippocratic Medicine*, 602 U.S. at  
7 395. Rather, a plaintiff must show that the alleged wrongful conduct “directly affected and  
8 interfered” with its “core business activities.” *Id.* Press Club has made no such showing here.  
9 Nor could it, as, responding to alleged press rights violations by law enforcement is one of its  
10 core purposes. *See The Satanic Temple v. Labrador*, No. 24-1243, Slip Opn. at 15 (9th Cir.  
11 August 11, 2025) (“To the extent that TST’s pre-existing core mission is to promote abortion,  
12 the Idaho statutes at issue do not curtail TST’s ability to support its members’ beliefs or provide  
13 information or advocacy on abortion.”). Press Club alleges its mission is “to support, promote  
14 and defend quality journalism.” Compl. at 6, ¶ 15; *see also* Tips for Safely Covering Protests,  
15 LOS ANGELES PRESS CLUB (Feb. 7, 2022), *available at* [https://lapressclub.org/tips-for-safely-](https://lapressclub.org/tips-for-safely-covering-protests-updated-2022/)  
16 [covering-protests-updated-2022/](https://lapressclub.org/tips-for-safely-covering-protests-updated-2022/). Further, Press Club’s representative, Adam Rose, is press  
17 rights chair. Rose Decl., ¶¶ 7-9. This is not like *Immigrant Defenders Law Center v. Noem*  
18 (“*ImmDef*”), where the plaintiff had to hire additional staff, expand its office space, conduct  
19 additional fundraising efforts, and increase travel to Mexico. 2025 WL 2080742, at \*9 (9th Cir.  
20 July 18, 2025). Unlike in *ImmDef*, the only specific project that Press Club references it had to  
21 take resources away from was planning a party on June 22, 2025.

22 But even if Press Club’s party was considered a “core business activity,” Press Club  
23 would still lack standing because the injunction sought could not redress that injury as the event  
24 already occurred. Similarly, the only other remaining injury Press Club alleges is uses of force  
25 and harassment against third-party journalists, but Press Club has not demonstrated third-party  
26 standing. *See Kowalski v. Tesmer*, 543 U.S. 125, 129 (2004) (requiring showing of a “close”  
27 relationship with person who possesses allegedly violated right and a “hindrance” in the  
28 possessor’s ability to protect her own interests).

1        **Status Coup.** Status Coup alleges the following injuries, “Status Coup reporters were  
2 subjected to force, including being struck by various Kinetic Impact Projectiles (‘KIPs’) as they  
3 attempted to film the LAPD officers’ response to the protests. In addition, Status Coup reporters  
4 were barred by the LAPD from areas of the protests where, by law, they should have been  
5 permitted access.” Compl. at 6, ¶ 15. Further, Status Coup contends that limitations on  
6 journalists’ access will hurt its business model and that instead of focusing on journalism it has  
7 been “forced to dedicate precious time towards a lawsuit.” Jordan Chariton Decl. at 2-3, ¶¶ 7-8,  
8 ECF No. 25.

9        As with Press Club, Status Coup’s allegations of improper uses of force against its  
10 reporters would not be redressed by an injunction, and, like with Press Club, Status Coup’s  
11 contention that its reporters were not granted access to situations fails to establish a “real and  
12 immediate threat of repeated injury.” In regard to Press Club’s contention that limitations on its  
13 access hurts its business model, such an alleged injury is much too attenuated to confer standing.  
14 *See Hippocratic Medicine*, 602 U.S at 383 (“The causation requirement also rules out attenuated  
15 links—that is, where the government action is so far removed from its distant (even if  
16 predictable) ripple effects that the plaintiffs cannot establish Article III standing.”). Finally, that  
17 Status Coup expended resources to bring a lawsuit cannot confer standing. *Rodriguez v. City of*  
18 *San Jose*, 930 F.3d 1123, 1134 (9th Cir. 2019) (cannot manufacture the injury by incurring  
19 litigation costs).

## 20                    **B. PLAINTIFFS ARE NOT ENTITLED TO INJUNCTIVE RELIEF**

### 21                    **1. Legal Standard**

22        “[I]njunctive relief [is] an extraordinary remedy that may only be awarded upon a clear  
23 showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555  
24 U.S. 7, 22 (2008). A plaintiff seeking a preliminary injunction must establish that they are likely  
25 to succeed on the merits, that they are likely to suffer irreparable harm in the absence of  
26 preliminary relief, that the balance of equities tips in their favor, and that an injunction is in the  
27 public interest. *Id.* at 22. A court need not consider the other factors if a movant fails to show a  
28



1 likelihood of success on the merits. *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023). When  
2 the nonmovant is the government, the last two *Winter* factors merge. *Id.*

## 3 **2. Plaintiffs Are Unlikely To Succeed On The Merits**

4 Plaintiffs are unable to demonstrate a likelihood of success on the merits because the  
5 evidence demonstrates that the City took its obligations seriously and enacted policies and  
6 trainings to reasonably ensure that journalists’ rights would not be violated, precluding *Monell*  
7 liability. Further, the City’s evidence, largely consisting of officer body-worn video (“BWV”),  
8 either directly refutes or provides necessary context to Plaintiffs’ videos, and demonstrates  
9 LAPD did not intentionally retaliate against any journalists, routinely granted journalists access  
10 to closed off areas, and properly utilized LLMs or KIPs—even if unintended and unfortunate  
11 results sometimes occurred.

### 12 **a. The City’s Policies Preclude *Monell* Liability**

13 In order to prevail on their Section 1983 claims, Plaintiffs must establish that the alleged  
14 constitutional injuries were the “implement[ation] or execut[ion] [of] a policy statement,  
15 ordinance, regulation, or decision officially adopted and promulgated by that body’s officers.”  
16 *Monell v. Dep’t of Soc. Servs. Of City of N.Y.*, 436 U.S. 658, 690 (1978). A plaintiff makes this  
17 showing by (1) proving that a public entity’s employee committed the alleged constitutional  
18 violation pursuant to a formal policy or a longstanding practice or custom, which constitutes the  
19 standard operating procedure of the government entity; (2) establishing that the individual who  
20 committed the constitutional tort was an official with “final policy-making authority” and that  
21 the challenged action itself thus constituted an act of official government policy; or (3) proving  
22 that an official with final policy-making authority ratified an unconstitutional decision or action.  
23 *Hopper v. City of Pasco*, 241 F.3d 1067, 1083 (9th Cir. 2001).

24 Plaintiffs fail to show that any action by Defendants was the moving force behind the  
25 alleged First Amendment retaliation. Rather, their evidence requires the speculative and  
26 unsupported assumption that, because these injuries happened, there must have been some  
27 policy causing it. This is inadequate to justify issuance of a preliminary injunction. *See Trevino*  
28 *v. Gates*, 99 F.3d 911, 920 (9th Cir. 1996) (“When one must resort to inference, conjecture and

speculation to explain events, the challenged practice is not of sufficient duration, frequency and consistency to constitute an actionable policy or custom.”); *Gibson v. U.S.*, 781 F.2d 1334, 1337-38 (9th Cir. 1986) (protestors’ First Amendment retaliation claim dismissed due to failure to attribute the alleged tortious acts to an established city policy or procedure); *Penigar v. Cnty. of San Bernardino*, Case No. CV 11-6805, 2012 WL 12878320, at \*4 (C.D. Cal. Apr. 12, 2012) (“Plaintiff presents no evidence of an employee acting pursuant to an expressly adopted official policy, of an employee acting pursuant to a longstanding practice or custom, or of an employee acting as a final policy maker. . . . [S]peculation is insufficient to support Plaintiffs’ *Monell* claim.”).

Further precluding Plaintiffs from demonstrating *Monell* liability are LAPD’s various policies regarding the issues in this lawsuit. (Whiteman Decl., ¶¶ 3, 11.) Plaintiffs in fact acknowledge these policies. Mot. at 30.

#### **b. Plaintiffs Cannot Establish A Likelihood of Success**

As the Court will see below, Defendants largely discuss the evidence declarant-by-declarant, rather than claim-by-claim. Accordingly, Defendants first set forth the legal standards for each claim, and then discuss the evidence by individual.

**Cal. Penal Code § 409.7.** Plaintiffs cannot demonstrate a likelihood of success on their lack of access claim in violation of Cal. Penal Code § 409.7. The evidence demonstrates that members of the news media were routinely granted access to closed off areas and, when access was restricted, it was out of necessity due to law enforcement operations and public safety concerns. While there is no authority confirming such a justification for restricting access, a decision interpreting the similar Cal. Penal Code § 409.5 recognizes such a justification. *Leiserson v. City of San Diego*, 184 Cal. App. 3d 41, 51 (Cal. Ct. App. 1986) (“Accordingly, press representatives must be given unrestricted access to disaster sites unless police personnel at the scene reasonably determine that such unrestricted access *will interfere* with emergency operations.”).

**Cal. Penal Code § 13652.** Plaintiffs cannot establish a likelihood of success on their claim that the Department violated Cal. Penal Code § 13652. Section 13652 sets forth various



1 restrictions on use of kinetic energy projectiles and chemical agents: they may only be used by a  
2 peace officer who has received “training on their proper use by the Commission on Peace  
3 Officer Standards and Training for crowd control if the use is objectively reasonable to defend  
4 against a threat to life or serious bodily injury to any individual, including any peace officer, or  
5 to bring an objectively dangerous and unlawful situation safely and effectively under control”  
6 and in accordance with 11 different requirements. The evidence discussed below refutes  
7 Plaintiffs’ contention that the Department was either aiming at journalists or deploying kinetic  
8 energy projectiles or chemical agents in an objectively unreasonable manner, precluding a  
9 finding that Plaintiffs have established a likelihood of success. Plaintiffs’ argument here suffers  
10 from the same flaw as its arguments as to other claims: it assumes that because someone who  
11 should not have been hit in a place where that person should not have been hit was targeted  
12 intentionally, and Plaintiffs’ argument ignores the circumstances surrounding the deployment of  
13 the less-lethal munitions. By ignoring these key elements, Plaintiffs are necessarily unable to  
14 establish a likelihood of success. *See Gonzales v. O Centro Espirita Beneficente Uniao de*  
15 *Vegetal*, 546 U.S. 418, 429 (2006) (“[B]urdens at the preliminary injunction stage track the  
16 burdens at trial.”).

17 **First Amendment Retaliation.** Plaintiffs’ sole federal claim is for First Amendment  
18 retaliation. Plaintiffs fail to establish a likelihood of success on this claim because they cannot  
19 establish that any protected activity was a substantial or motivating factor causing the alleged  
20 wrongful conduct. In addition to the policies discussed above, Plaintiffs’ ability to establish this  
21 element is further refuted by the myriad evidence demonstrating a lack of retaliatory animus  
22 toward members of the news media.

23 To establish a First Amendment retaliation claim, a plaintiff must establish that (1) he  
24 was engaged in a constitutionally protected activity, (2) the defendant’s actions would chill a  
25 person of ordinary firmness from continuing to engage in the protected activity and (3) the  
26 protected activity was a substantial or motivating factor in the defendant’s conduct. *Capp v.*  
27 *Cnty. of San Diego*, 940 F.3d 1046, 1053 (9th Cir. 2019). Ultimately, a plaintiff must establish a  
28 causal connection between the defendant’s retaliatory animus and the plaintiff’s subsequent

1 injury. *Id.* “Specifically, a plaintiff must show that the defendant’s retaliatory animus was a but-  
2 for cause, meaning that the adverse action against the plaintiff would not have been taken absent  
3 the retaliatory motive.” *Id.* (internal quotation marks omitted); *see also id.* at 1055 (“[A]n  
4 allegation is not plausible where there is an ‘obvious alternative explanation’ for alleged  
5 misconduct.”).

6 Here, Plaintiffs’ Motion fails to establish a likelihood of success of demonstrating that  
7 any injuries were caused by retaliatory animus. Plaintiffs’ argument regarding alleged retaliatory  
8 animus is limited to the following conclusory statement unsupported by any evidentiary citation:  
9 “Defendants repeatedly and deliberately targeted Plaintiffs with 40mm munitions, striking them  
10 in the head, face, and upper body, all prohibited target areas because of the increased likelihood  
11 of serious physical harm from striking vital organs and the brain.” Mot. at 14. With no evidence  
12 establishing retaliatory animus, Plaintiffs cannot be entitled to a preliminary injunction based on  
13 their First Amendment retaliation claim. *See Cheairs v. City of Seattle*, \_\_ F.4th \_\_, 2025 WL  
14 2178577, at \*10-11 (9th Cir. Aug. 1, 2025) (that person standing near protestors filming was  
15 subjected to force does not alone establish First Amendment retaliation).

16 Notwithstanding Plaintiffs’ failure to meet their burden, the evidence discussed below  
17 demonstrates a lack of discriminatory animus toward members of the news media.

18 In addition to the evidence discussed below, additional evidence precludes Plaintiffs from  
19 demonstrating a likelihood of success on their claims:

20 • Commentary from media that, during the subject protests, LAPD treated them  
21 “fairly and professionally” and “have been good to just try to get us media out of the way  
22 safely.” (Declaration of Jennifer Forkish [“Forkish Decl.”], ¶¶ 4-5, Exs. B, C.);

23 • LAPD prepared and distributes a media relations guide to provide Department  
24 personnel with policies, procedures, best practices, and relevant laws to be aware of when  
25 interacting with media. The guide includes references to Cal. Penal Code § 409.7 and the *Crespo*  
26 settlement. (Forkish Decl., Ex. A.);

27 • Officers responding to the protests were specifically reminded of the Department’s  
28 use of force policies, crowd control policies, the *Crespo* settlement, and Cal. Penal Code §

409.7. (Declaration of Lt. Jasmin Gomez [“Gomez Decl.”], ¶ 26.)

**The Evidence Countering Plaintiffs’ Claims**<sup>1</sup>

Plaintiffs filed numerous declarations in support of their Motion. Defendants’ evidence directly refutes Plaintiffs’ contentions or provides necessary context, precluding Plaintiffs from demonstrating a likelihood of success:

**Michael Nigro.** Nigro identifies two incidents on June 9 in his declaration, one at 5:43 p.m. and one at around 7:28 p.m. With the first incident, Nigro can be disbelieved because he contends he was targeted due to munitions hitting a pole next to his head three times, but the place where he testifies he was standing has no poles. (Whiteman Decl., ¶ 15(b).) Further, Nigro acknowledges there were law enforcement agencies other than LAPD in the area; he does not contend any munitions were deployed by LAPD, and BWV demonstrates that LAPD officers in the area were not targeting him. (*Id.*) With the second incident, Nigro contends a white streak on his helmet reflects when he was struck at 7:28 p.m., but other footage shows the white streak on his helmet at 6 p.m. (and it is not clear that the white streak is residue from a munition). Regardless, BWV reflects that Mr. Nigro was embedded with protestors who were surrounding officers, leading to the deployment of a 37mm skip round munition. Nigro may have been struck by this munition, but he was not the target. (*Id.*)

**Adam Rose.** Rose submits a declaration attesting to various incidents based on video clips and photos he allegedly reviewed; Defendants address those here:

**Lauren Tomasi:** BWV demonstrates the officer who fired the 37 mm did not intend to strike Tomasi; instead, he was targeting a group of individuals near Tomasi who were throwing projectiles at the officers on the skirmish line. Specifically, at 17:09:19, the officer is scanning the crowd for threats. A second later, at 17:09:20, Tomasi is seen in the lower left-hand corner of the video wearing jeans and a green jacket with her back to the skirmish line. At 17:09:38 the

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<sup>1</sup> Due to the limited resources and time to prepare this Opposition, Defendants have not been able to marshal and review evidence for every incident identified by Plaintiffs, but the evidence below responds to nearly all of the incidents identified by Plaintiffs. BWV timestamps reflect the time on the video. In addition, page limitations prevent a full discussion of every incident raised.

1 officer fires a 37 mm round and then explains to his colleagues on the skirmish line that he did  
2 so because a “group right there with the flags” were “throwing” things at the officers. The group  
3 with the flags is seen at 17:09:44 in the lower left-hand corner. No officer intentionally shot  
4 Tomasi. (Whiteman Decl., ¶ 15(a).)

5 **Erin Burnett:** BWV reflects Burnett was standing in the way of an advancing skirmish  
6 line; an LAPD supervisor instructed Burnett to move out of the way, but she did not, requiring  
7 an officer to push Burnett forward. Burnett then stopped in front of the skirmish line, once again  
8 preventing it from moving forward, so officers pushed Burnett forward again. This was a  
9 reasonable amount of force necessary to simply move Burnett from blocking the skirmish line as  
10 she was not responding to instruction. Burnett likely would not have been entitled to stand  
11 where she was except for being a journalist, but she was moved because she was impeding the  
12 skirmish line, and not because she is a journalist. (Whiteman Decl., ¶ 15(c).)

13 **Jason Carroll:** Neither Carroll nor his crew were arrested or cited; instead, officers  
14 escorted Carroll and his crew out of an inner perimeter during a mass arrest, which is an active  
15 crime scene. At 8:34 p.m., officers advised the crowd of protestors that they were being arrested  
16 after refusing to disperse following an order to disperse. As BWV reflects, officers then told  
17 Carroll that he and his crew were going to be escorted out of the perimeter. An officer  
18 specifically told Carroll that he was not being arrested because he was press, but that Carroll and  
19 his crew were going to be escorted out one-by-one, which is what happened. (Whiteman Decl., ¶  
20 15(d).)

21 **Kyung Lah:** BWV reflects officers permitting Lah and her cameraman to get behind a  
22 skirmish line, but not her two security guards who were unable to produce press credentials.  
23 Neither Lah nor her crew were wearing clothing that made it obvious they were members of the  
24 press. (Whiteman Decl., ¶ 15(e).)

25 **Matt Gutman:** Rose identified two incidents involving Gutman. For the first, Gutman  
26 was standing in the way of a skirmish line; when he refused to get out of the way of the skirmish  
27 line, an officer pushed him out of the way. In the second, Gutman put his hand on the back of an  
28 officer in a skirmish line and officers told Gutman not to touch the officer and to stand back.

1 The officers were wearing gas masks, which make it difficult to clearly communicate. As with  
2 Burnett, Gutman likely would not have been standing where he was except for being a  
3 journalist, but he was moved because he was interfering with official law enforcement duties,  
4 and not because he is a journalist. (Whiteman Decl., ¶ 15(f).)

5 **Associated Press Videographer:** In Paragraph 35, Rose testifies that an Officer “lines  
6 up a shot at the videographer” and there is “no evident threat or justification for the officer to  
7 fire.” BWV reflects that officers were responding to at least two individuals throwing items,  
8 including rocks, and they specifically asked media members to get out of the way. (Gomez  
9 Decl., Ex. Z [14:32:30-14:35:10] (“Black over black threw a rock ... you all [Press] gotta get  
10 outta my way ... black over black has a fuck’n rock. Threw it ... watch out watch out watch out  
11 ... Brown jersey is throwing shit . . .”).)

12 **David Healy:** In Paragraph 55, Rose discusses a photographer being charged by an  
13 officer on a horse. BWV reflects that Healy was not wearing a press credential or anything else  
14 that would give him the appearance of being a member of the news media. The camera he was  
15 holding was not dissimilar to cameras being held by a number of other protestors in the same  
16 area. As the mounted unit line advanced to clear the area, Healy did not move out of the area  
17 and was knocked over by a horse that veered to the left, possibly after another protestor grabbed  
18 one of the reins. (Gomez Decl., Ex. AA [16:02:05-16:05:35] and Ex. BB [16:05:00-16:05:30].)

19 **Jeremy Cuenca:** In Paragraph 27, Rose discusses Cuenca being hit with LLMs. BWV  
20 does not reveal the specific moment Cuenca was hit. But at the approximate time and location  
21 where Cuenca was hit, people in the crowd were charging and attacking officers, throwing rocks  
22 and bottles at officers, and a motorcyclist rammed into several officers. Cuenca was likely hit  
23 because he was embedded with the crowd. Other video from around that time and location  
24 reflect officers repeatedly allowing press to pass through the police line after showing  
25 credentials. (Gomez Decl., Ex. CC [15:31:17-15:32:00, 15:39:10-15:39:20, 15:46:50-15:47:20  
26 (motorcycle)]; Ex. DD [14:25:30-14:27:05, 14:46:15-14:48:15, 14:54:45-14:58:55] (“They’re  
27 press. They’re good.”).)

28 **Kayjel Mairena:** In Paragraph 58, Rose states that Mairena was tear-gassed while

1 standing with other press. BWV shows he was likely subjected to tear gas from a cannister  
2 thrown by a protestor. (Gomez Decl., Ex. EE [16:00:30-16:01:00, 16:04:45-16:09:30, 16:16:00-  
3 16:16:30]; Ex. FF [16:09:15-16:10:10, 16:12:00-16:17:45].)

4 **Livia Albeck-Ripka:** In Paragraph 28, Rose claims that N.Y. Times reporter Ripka was  
5 hit by a LLM round. Based on contemporaneous BWV of the area, officers were not targeting  
6 reports, but protesters throwing bottles and rocks at the police line from across a wide  
7 intersection. (Gomez Decl., Ex. PP [23:51:40-23:52:15; 23:52:27-23:52:50; and 23:52:57-  
8 23:55:16]; and Ex. QQ [23:53:00-23:53:15; and 23:54:00-23:54:1.].)

9 **Sergio Olmos:** In Paragraph 32, Rose claims that Olmos was hit in the chest with an  
10 LLM. Plaintiffs claim Olmos was hit was around 1539 hours, *i.e.*, the same time protesters were  
11 throwing projectiles at the officers. Several officers responded to the protesters' violence by  
12 deploying LLMs. Contrary to Plaintiffs' claims, even their own exhibit demonstrates that no  
13 officer specifically targeted Olmos or any member of the press. (Gomez Decl., Ex. TT  
14 [15:38:30-15:39:45 and 15:39:40-15:40:15]; Ex. UU [15:39:06-15:39:55]; Ex. VV [15:22:40-  
15 15:22:52; 15:24:45-15:25:06; and 15:39:01-15:39:30].)

16 **Romi De Frias:** In Paragraph 50, Rose claims that a Univision reporter was "run into"  
17 by a mounted unit. But contemporaneous BWV shows officers moving the crowd southward on  
18 the west sidewalk of Spring Street toward Grand Park, when an unruly protester picked up a  
19 heavy traffic cone while adjacent to Frias. At worst, a horse nudged Frias while its officer is  
20 focused on the protester carrying the traffic cone. (Gomez Decl., Ex. RR [18:34:40-18:35:00;  
21 18:35:15-18:35:35; and 18:36:00-18:36:15] and Ex. SS [18:34:30-18:36:18].)

22 **Anthony Orendorff.** Plaintiffs fail to mention that Orendorff, who had no press  
23 credentials, was arrested after attacking an officer, resisting arrest, and attempting to flee.  
24 (Declaration of Sergio Moreno, Ex. A [10:39:50 - 10:42:35].)

25 **Montez Harris.** The video embedded in Harris' declaration shows that he was an unruly  
26 protester who was refusing to comply and leave an area long after LAPD issued a dispersal  
27 order. Nothing any video supports Harris' claimed press status, including Plaintiffs' false claim  
28 that Harris had on that day a "visible press ID." Indeed, Harris made no protest or response



1 when one officer stated to Harris regarding his lack of press credentials, “You don’t have a  
2 pass.” (Gomez Decl., Ex. GG [18:51:30-18:51:50]; *see also* Ex. CC [15:38:15-15:38:55] (Harris  
3 without credentials).) Harris threatened officers that there would be a problem if “I get moved,”  
4 said “Don’t let that horse touch me,” and pushed the horse at least twice. (*Id.*, Ex. GG [18:51:51-  
5 18:52:40] and HH [18:52:23-18:52:40].) Harris’s actions prompted a nearby LAPD officer to  
6 fire a single LLM round at Harris’s direction, but he did so because Harris was attacking a  
7 mounted officer’s horse, not because Harris was a member of the press. (*Id.*, Ex. II [18:51:57-  
8 18:52:40].)

9 **Constanza Eliana China Mercado.** BWV demonstrates that the protests were not  
10 peaceful, and that Mercado was not mistreated and her rights were respected notwithstanding the  
11 violence. On June 8, officers allowed Mercado to pass from the protesters’ line through the  
12 LAPD line to an area of safety behind the LAPD officers. (Gomez Decl., Ex. JJ [15:04:00-  
13 15:04:15].) Mercado and others claiming to be press were merely directed to stay back from the  
14 skirmish line so that officer could perform their duties, which included moving freely behind the  
15 skirmish line and readily accessing their equipment. (Declaration of Bryan Dameworth  
16 [“Dameworth Decl.”], ¶¶ 5-10, Ex. C [15:04:22 – 15:07:48].) Mercado’s allegations of the  
17 peaceful nature of the June 8 protests are false, and BWV shows LAPD officers pelted with  
18 bottles and rocks thrown by the protesters. (*Id.*, Ex. C [15:09:15-15:09:50]; Gomez Decl., Ex. JJ  
19 [15:03:10-15:03:52].) On June 14, Mercado claims she observed calm and peaceful protests  
20 from around 10:00 a.m. But shortly after 4:00 p.m., protesters began attacking officers with  
21 bottles and rocks. (Gomez Decl., Ex. KK [16:06:36-16:07:19].) LAPD requested members of  
22 the press to move out of the LAPD line. (*Id.* [16:09:05-16:09:22].) LAPD eventually deployed  
23 gas cannisters, but it did so in response to the protesters’ observed violence, and protestors threw  
24 deployed gas cannisters back at LAPD. (*Id.* [16:09:50-16:10:12; 16:15:55-16:16:18].)

25 **Sean Beckner-Carmitchel.** Plaintiffs cite to the Beckner-Carmitchel Declaration to  
26 support their claims that press were targeted or somehow retaliated against, the reality is that  
27 press were permitted to embed themselves with protestors, and were requested to leave the area  
28 only when everyone was asked to leave the area.

1 Beckner-Carmitchel cherry-picks just a few of his posts to BlueSky containing video and  
2 commentary regarding the June 8, 2025 protest activity; a review of Beckner-Carmitchel’s other  
3 posts to that platform on the same day reveal a more complete picture of the relevant events,  
4 including the violent actions of a crowd launching fireworks and throwing objects at police  
5 officers prior to the officers’ deployment of gas to control the crowd. For example, he reported  
6 “[a] Roman candle from the crowd now” in a post to BlueSky on June 8, 2025 at 7:23 p.m.; this  
7 post immediately precedes the one labeled Ex. 36 and linked in Paragraph 5 of his declaration.  
8 <https://bsky.app/profile/acadwithnews.bsky.social/post/3lr5d3eqmes2i>. The video accompanying  
9 his 7:23 p.m. post also shows a series of fireworks and other objects launched from the  
10 protestors at the line of officers on Spring Street in front of City Hall in the minutes leading up  
11 to the officers’ deployment of gas on Spring Street depicted in the video attached as Ex. 36 to  
12 his declaration. Protestors continued to throw objects at the police line on Spring Street in front  
13 of City Hall in the video attached as Ex. 36, triggering the use of gas to control the crowd.

14 It is near-impossible to discern any press affiliation on the small lanyard worn by the  
15 unidentified female “photographer” who was moved by an officer and mounted unit while  
16 officers were directing everyone to move away from a scene where a crowd had been violently  
17 hurling fireworks and objects at a line of officers in front of City Hall. (*See* Beckner-Carmitchel,  
18 Ex. 37; *see also* Gomez Decl., Ex. LL [19:31:15-19:32:29] (depicting female with cameras  
19 holding cell phone, while presumably filming, very close to horse’s face, and officers instructing  
20 everyone to “move, everybody get out”).)

21 Contrary to Beckner-Carmitchel’s claim that “officers appeared to take pot shots with an  
22 LLM at an unidentified photographer with a yellow helmet holding up a professional camera to  
23 film the officers...”, BWV reveals the LLM—which did not hit the photographer—was not  
24 targeted at any photographer, and was instead used in response to an object being thrown at  
25 officers from a protestor located nearby. (Gomez Decl., Ex. MM [19:32:58-19:33:33]; Ex. NN  
26 [19:33:01-19:33:33].) Far from being denied access or targeted, another individual with two  
27 professional cameras is seen taking photos in the vicinity during this incident. (Gomez Decl.,  
28 Ex. NN [19:33:01 – 19:33:33].)



1 When an officer can be heard saying “media, go” at approximately 2:49 p.m. on June 8,  
2 2025, LAPD officers were in the process of clearing the area around the intersection of Alameda  
3 and East Aliso streets of *all* individuals in the crowd, including protestors and media alike, and  
4 directing them all to move southbound on Alameda Street away from the 101 Freeway toward  
5 Temple Street. (Beckner-Carmitchel Decl. ¶ 8, Ex. 42; Gomez Decl., Ex. OO [14:47:12 –  
6 14:51:44] (depicting protestor verbally provoking attacking an officer, and Matt Gutman of  
7 CNN reporting with a camera crew in the midst of the protest area, just before officers begin  
8 clearing the entire area of all individuals).)

9 The same member of the press depicted in Beckner-Carmitchel’s video wearing a white  
10 cap with headphones and carrying camera and microphone equipment (Ex. 42) is again seen  
11 moments later—with other members of the press—in the midst of the crowd moving  
12 southbound on Alameda when an officer tells a colleague “hey it’s good, they’re press...they’re  
13 good”, and then merely asks the media to stay behind the police line while moving the crowd  
14 southbound on Alameda. (Gomez Decl., Ex. OO [14:54:46-14:56:13].)

15 This is consistent with other interactions captured in BWV from just minutes earlier,  
16 when an officer approached two separate members of the press to tell them they could stay  
17 where they were recording protest activity, but asks them just not to get too close. (Gomez  
18 Decl., Ex. OO [14:53:18-14:54:27].)

19 As to Rose and Beckner-Carmitchel’s supplemental declarations regarding July 4,  
20 officers advised that everyone was to leave the area pursuant to a dispersal order. As  
21 demonstrated by the BWV, individuals identifying themselves as members of the press tell the  
22 LAPD they are allowed to remain, citing 409.7. After an officer on scene calls the commanding  
23 officer to request a media escort, the LAPD escorts the press away from the MOCA parking lot  
24 in the direction they wanted to go. There is no violation of Section 409.7. (Gomez Decl., Exs. T  
25 [19:45:40-19:47:41] and U [19:44:04-19:48:32].)

26 **Tina-Desiree Berg.** Contrary to Berg’s contentions that (a) on June 10, 2025, she was  
27 “accosted by an LAPD officer” (Berg Dec. at ¶ 2), (b) was told she needed to go (*id.*) and (c)  
28 LAPD forced her leave the civic center (*id.*, at ¶¶ 3-4), as demonstrated by the relevant BWV,

LAPD was requiring everyone to leave the area. (Gomez Decl., Ex. V [20:15:15-20:16:25].) In fact, Berg was first noticed by the LAPD officer while the officer was escorting individuals to their shelter. (*Id.* [20:25:41-20:27:06]. Indeed, unlike Berg, those individuals were told to remain in the shelter or risk arrest. (*Id.* [20:25:41- 20:26:57].) Conversely, Berg was expressly advised by LAPD the area was being cleaned out and there was a designated spot for the press where she was welcome to go. (*Id.* [20:27:16-20:27:22 and 20:28:21-20:28:24]. Rather than move to that area, Berg left the civic center area without force. (*Id.* [20:28:21-20:28:47].) Significantly, Berg was told to leave the location for her own safety as well as the LAPD's, which Berg denied. (*Id.* [20:27:34-20:27:40 and 20:27:56-20:28:02].) The LAPD officer thanked Berg and her companion for their cooperation. (*Id.* [20:28:46-20:28:47].) These facts, and any declaration from the companion, are curiously omitted from Berg's declaration.

In addition, Plaintiffs and Berg suspiciously fail to advise the court that Berg was present at a protest the following day, June 11, 2025, where she was on the front line with other members of the press. (Gomez Decl., Ex. W [19:12:35-19:14:35] and Ex. X [19:13:05-19:14:35]. As demonstrated by the BWV, LAPD respectfully requests the press to remain behind the police line. (*Id.*, Ex. X [19:13:31- 19:13:45].) Berg even apologizes to the members of the LAPD for certain language she used. (*Id.*, Ex. W [19:13:02-19:13:05].) Berg is present while Sheriffs are being taunted by protestors, one of whom throws an item at the Sheriffs resulting in the Sheriffs using non-lethal force against the protestors, as does the LAPD in providing back-up. (*Id.*, Ex. W [19:12:41-19:12:46 and 19:13:07-19:14:35]; Ex. X [19:14:00-19:14:18].) Berg thereafter remains on the front lines along with other members of the press, and an unidentified voice from LAPD is heard on the video telling the officer who used non-lethal force "not the press", to which the officer responded "I know, I banged over there sir." (*Id.*, Ex. X [19:14:18-19:14:23].)

**Hector Perez.** Hector Perez was not "targeted" because he was a journalist or at all. He was standing within a crowd of protestors, and did not leave when officers were in the process of dispersing the crowd. (Gomez Decl., Ex. Y [16:03:42-16:05:14].) Further, Mr. Perez's photograph of the officer who he contends shot him clearly shows that the officer was not aiming at him. (Dkt. 132 at 131.)

**c. Plaintiffs' Derivative Claims**

Plaintiffs cannot establish a likelihood of success on their derivative claims for violation of the California Constitution and the Bane Act as those claims are premised on violations of their other claims, which they have not demonstrated for the reasons above. Additionally, Plaintiffs do not have standing under the Bane Act to bring claims for its violation. *Bay Area Rapid Transit Dist. v. Sup. Ct.*, 38 Cal. App. 4th 141, 144 (Cal. Ct. App. 1995) (“[The Bane Act] is limited to plaintiffs who themselves have been the subject of violence or threats.”); *see also Dang v. City of Garden Grove*, Case No. SACV 10–00338, 2011 WL 3419609, at \*10 (C.D. Cal. Aug. 2, 2011) (“Defendants are correct that the Bane Act creates only a personal cause of action for the individual actually subjected to violence or threats that interfere with a constitutional right.”). To the extent Plaintiffs’ Bane Act claims are premised on threats of unlawful arrest or citation, or any other type of speech, that cannot give rise to a Bane Act violation. *Animal Protection and Rescue League, Inc. v. Cnty. of Riverside*, 111 Cal. App. 5th 914, 924 (Cal. Ct. App. 2025); Cal. Civ. Code § 52.1(k) (speech alone is insufficient to state a claim).

**3. Plaintiffs Are Not Likely To Suffer Irreparable Harm**

Plaintiffs’ argument that they are likely to suffer irreparable harm is premised on their argument that they are likely to succeed on their claims, so both arguments fail together. Further, because Plaintiffs’ Motion primarily rests on alleged violations of California statutory claims, even if they were able to establish a likelihood of success on those claims, they are not entitled to the presumption of irreparable harm sometimes accorded to violations of constitutional rights. *See Baird*, 81 F.4th at 1042; *but see Amer. Freedom Defense Initiative v. King Cnty.*, 796 F.3d 1165, 1172 (9th Cir. 2015) (“[A]lthough a First Amendment claim certainly raises the specter of irreparable harm and public interest considerations, proving the likelihood of such a claim is not enough to satisfy *Winter*.”). Demonstrating an unlikelihood of future harm, Plaintiffs’ evidence does not show that officers were categorically precluding members of the news media from accessing closed areas, but only that there were restrictions in particular circumstances. Finally, Plaintiffs suggest that an injunction is necessary, otherwise, “LAPD is free to use less lethal

munitions against nonviolent journalists,” but they ignore the Department’s policies and trainings clearly prohibiting such conduct—as they admit later in their brief. Once again, simply because persons who should not have been struck with less-lethal munitions in places where they should not have been struck does not establish an intent, policy, or practice to do so. For all these reasons, Plaintiffs fail to establish a likelihood of irreparable harm. *Winter*, 555 U.S. at 22 (“Issuing a preliminary injunction based only on a possibility of irreparable harm is inconsistent with our characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.”).

#### 4. The Balance Of Equities And Public Interest

As with irreparable harm, Plaintiffs’ claims largely rest on state law rights, and they are not entitled to any presumption that the balance of equities and public interest weigh in their favor. Further, the injunction sought poses a risk to public safety and officer safety to the extent it requires officers to provide absolute access to journalists, no matter how it interferes with law enforcement operations, such as the establishment of a skirmish line or requiring the deployment of officers to accompany persons granted access to areas behind skirmish lines. (*See, e.g.*, Dameworth Decl., ¶¶ 5-10; Whiteman Decl., ¶ 15(c), (f).)

#### C. PROPER SCOPE OF INJUNCTION

Should the Court determine a preliminary injunction is warranted, its scope should be narrower than the TRO. Any injunction should be limited to providing relief to the parties to the lawsuit. *See Trump v. CASA, Inc.*, 145 S.Ct. 2540, 2562-63 (2025) (injunctions should not be broader than necessary to provide complete relief to each plaintiff with standing to sue). Further, any injunction should include reasonable limitations, such as when the journalist’s access to an area would interfere with legitimate law enforcement operations or risk the safety of the journalist or an officer. Additionally, any injunction should provide a clear solution to the tension of the press wanting unfettered access to all areas of a protest, including being embedded with protestors and then being unintended victims of deployed LLMs intended for legitimate targets. Finally, any injunction should provide clear guidance as to how the LAPD should determine whether someone is a “duly authorized” representative of a news service, online news

1 service, newspaper, or radio or television station or network.

2 **IV. CONCLUSION**

3 Plaintiffs' Motion for Preliminary Injunction should be denied.

4  
5 Date: August 18, 2025

HYDEE FELDSTEIN SOTO, City Attorney  
DENISE C. MILLS, Chief Deputy City Attorney  
KATHLEEN KENEALY, Chief Asst City Attorney  
CORY M. BRENT, Senior Assistant City Attorney  
GABRIEL S. DERMER, Assistant City Attorney

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9 By: /s/ Gabriel S. Dermer  
GABRIEL S. DERMER, Assistant City Attorney  
10 Attorneys for Defendants  
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**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

Los Angeles Press Club, Status Coup

CASE NUMBER:

25-CV-05423 HDV-E

PLAINTIFF(S)

v.

City of Los Angeles, a municipal entity, Jim  
 McDonnell, LAPD Chief, sued in his official capacity  
 DEFENDANT(S).

**NOTICE OF MANUAL FILING  
 OR LODGING**

**PLEASE TAKE NOTICE:**

Pursuant to Local Rule 5-4.2, the following document(s) or item(s) are exempt from electronic filing, and will therefore be manually ☐ Filed ☒ Lodged: **(List Documents)**

Exhibits A, C, H, J - VV to the Declaration of Lt. Jasmin Gomez; Exhibit C to the Declaration of Jennifer Forkish; Exhibits D, E, F, and G to the Declaration of Commander Ryan Whiteman.

**Reason:**

- ☐ Under Seal
- ☐ In Camera
- ☒ Items not conducive to e-filing (i.e., videotapes, CDROM, large graphic charts)
- ☐ Per Court order dated: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

August 18, 2025

Date

Gabriel S. Dermer

Attorney Name

Defendants

Party Represented

*Note: File one Notice of Manual Filing or Lodging in each case, each time you manually submit a document(s).*

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Attorneys for Defendants CITY OF LOS ANGELES  
and JIM MCDONNELL

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

LOS ANGELES PRESS CLUB,  
STATUS COUP,

Plaintiffs,

vs.

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

Defendants.

**CASE NO. 25-CV-05423 HDV-E**

**DEFENDANTS' OBJECTIONS TO  
EVIDENCE SUBMITTED BY  
PLAINTIFFS REGARDING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

**Date: August 25, 2025  
Time: 9:00 am  
Courtroom: 5B**

**Hon. Hernan D. Vera**

**DEFENDANTS' OBJECTIONS TO EVIDENCE SUBMITTED BY PLAINTIFFS  
REGARDING MOTION FOR PRELIMINARY INJUNCTION**

Defendants CITY OF LOS ANGELES and JIM McDONNELL (collectively “the City” or “Defendants”) respectfully submit the following Objections to the evidence Plaintiffs LA PRESS CLUB and STATUS COUP (collectively “Plaintiffs”) submitted concerning Plaintiffs’ Motion for Preliminary Injunction.

**OBJECTIONS TO DECL. OF SEAN BECKNER-CARMITCHEL – DKT. 20**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>
“In June 2025, the LAPD has been firing more less lethals, known as LLMs, at journalists compared to 2020, with a casual disregard with LLMs, and firing at journalists’ heads.” Dkt. 20, Declaration of Sean Beckner-Carmitchel (“Beckner-Carmitchel Dec.”), ¶ 4 at ECF 02:20-24.	Speculation; Lack of Foundation; Witness lacks personal knowledge (Fed. R. Evid. 602).
“I’ve seen a lot more serious, visible injuries on journalists due to actions by the LAPD during the protests in June 2025 compared to 2020, many of which requires serious medical treatment or hospitalization.” Beckner-Carmitchel Dec., ¶ 4 at ECF 02:24-26.	Lack of Foundation (Fed. R. Evid. 602); Improper opinion from a lay witness (Fed. R. Evid. 701).



**OBJECTIONS TO DECL. OF CONSTANZA ELIANA  
CHINEA MERCADO – DKT. 22**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>
“Because I did not feel threatened or targeted by any acts of the protesters and given the officer’s warning that I would get hurt if I stayed in that location, I assumed that the officer meant LAPD would be deploying tear gas there shortly, as it apparently had before I arrived.” Dkt. 22, Declaration of Constanza Eliana China Mercado (“China Dec.”), ¶ 11 at ECF 04:06-09.	Lacks Personal Knowledge (Fed.R.Evid. 602); Irrelevant and Immaterial (Fed.R.Evid. 401).
“Many of the journalists, including myself, in the area were upset at LAPD’s apparent violations of press freedoms, and we repeatedly asked the officers to allow us to return close to the protest area as state law requires.” Dkt. 22, China Dec., ¶ 17 at ECF 05:21-24.	Lacks Personal Knowledge (Fed.R.Evid. 602); Irrelevant and Immaterial (Fed.R.Evid. 401).
“With no dispersal announcement or warning and without any justification, LAPD officers arrived with horses and began trampling protesters who were	Improper Opinion Testimony by Lay Witness (Fed.R.Evid. 701).

**OBJECTIONS TO DECL. OF CONSTANZA ELIANA  
CHINEA MERCADO – DKT. 22**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>
doing nothing violent, destructive, or illegal.” Dkt. 22, China Dec., ¶ 25 at ECF 07:10-13.	

**OBJECTIONS TO DECL. OF JORDAN CHARITON – DKT. 25**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>
“She had a great position on an embankment where she had a direct line of site that showed both the protestors and the LAPD squaring off. Unfortunately, not long after arriving in that location she was arbitrarily removed from that location by an LAPD. I watched the video Ms. Berg captured of the event. Ms. Berg tried her best to capture the protest, but LAPD forced Ms. Berg to leave the area by physically escorting her out of the Civic Center.” Dkt. 25, Declaration of Jordan Chariton (“Chariton Dec.”), ¶ 2 at ECF 02:11-18.	Hearsay (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a); Lack of Authentication (Fed.R.Evid. 901(a)); Best Evidence Rule – video evidence speaks for itself (Fed.R.Evid. 1002).

OBJECTIONS TO DECL. OF JORDAN CHARITON – DKT. 25	
MATERIAL OBJECTED TO	GROUND FOR THE OBJECTION
“Unfortunately, LAPD regularly violates 409.7. In the last five years Ms. Berg alone has been shot at by LAPD during the Floyd protests. Beaten by LAPD during the Dobbs protests. She was pushed and shoved during Eco [sic] Park. And now she was kicked out of the Civic Center during the ICE protests and that is just one of our journalists....” Dkt. 25, Chariton Dec., ¶ 6 at ECF 03:05-10.	Hearsay (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a); Improper Opinion Testimony by Lay Witness (Fed.R.Evid. 701).
“This is obviously problematic because it prevents Status Coup journalists from capturing the news which is highly detrimental to us as our whole ... business model, is that we are dedicated to in-field journalism. Dkt. 25, Chariton Dec., ¶ 7 at ECF 03:14-25 and 26:28.	Irrelevant and Immaterial (Fed.R.Evid. 401); Hearsay (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a); Lack of Authentication. (Fed.R.Evid. 901(a)).
“When LAPD shoots, arrests, or otherwise interferes with Status Coup journalists it also forces us to redirect our time towards addressing LAPD’s unlawful actions.”	Improper opinion from a lay witness (Fed.R.Evid. 701).

OBJECTIONS TO DECL. OF JORDAN CHARITON – DKT. 25	
MATERIAL OBJECTED TO	GROUND FOR THE OBJECTION
Dkt. 25, Chariton Dec., ¶ 8 at ECF 04:01-03.	
“Status Coup has already had to release several videos illustrating LAPDs [sic] unlawful interference with Tina Berg. We had to do the same thing in 2020 for the Floyd protests and also in 2022 for the Dobbs protest.” Dkt. 25, Chariton Dec., ¶ 8 at ECF 04:05-07.	Hearsay (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a); Lack of Authentication (Fed.R.Evid. 901(a)).
“We can’t really license these videos, but we need LAPD’s practice of seizing, assaulting, and shooting the press to stop.” Dkt. 25, Chariton Dec., ¶ 8 at ECF 04:07-09.	Improper opinion from a lay witness (Fed.R.Evid. 701).
“However, the documentation of these incidents has apparently not been enough to get LAPD to change its practices. Now, the problem has gotten so out of hand that Status Coup is forced to dedicate precious time towards a lawsuit because nothing else has worked.” Dkt. 25, Chariton Dec., ¶ 8 at ECF 04:10-13.	Improper opinion from a lay witness (Fed.R.Evid. 701).

OBJECTIONS TO DECL. OF JORDAN CHARITON – DKT. 25	
MATERIAL OBJECTED TO	GROUND FOR THE OBJECTION
“People engage with us because they want to see uncut, unfiltered, entrenched journalism. That can’t happen if our journalists are forced to be a block away from where the protests are happening. That cannot happen if our journalist are in the hospital because they got thrown to the ground, or shot at, or are waiting to be released after being detained.” Dkt. 25, Chariton Dec., ¶ 9 at ECF 04:16-21.	Hearsay (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a); Improper opinion from a lay witness (Fed.R.Evid. 701).
“Independent Media is important; it captures a breadth and depth of information that large corporate outfits are incapable of covering. However, embedding journalists into the core of the story is resource intensive. Dkt. 25, Chariton Dec., ¶ 10 at ECF 04:22-26.	Irrelevant and Immaterial (Fed.R.Evid. 401); Improper opinion from a lay witness (Fed.R.Evid. 701).

**OBJECTIONS TO DECL. OF MONTEZ HARRIS – DKT. 27**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>
“If the officer had shot me, it would have been particularly dangerous as I was not on level ground and if I fell I would have been seriously injured.” Dkt. 27, Declaration of Montez Harris (“Harris Dec.”), ¶ 8 at ECF 03:17-20.	Irrelevant and Immaterial (Fed.R.Evid. 401); Speculation; Lack of Foundation; Witness lacks personal knowledge (Fed. R. Evid. 602).
“However, as a father of young children I did not think that I could risk staying because it seemed very probable that LAPD would either seriously injury [ <i>sic</i> ] me or arrest me even though I was obviously present at the protest as a member of the press.” Dkt. 27, Harris Dec., ¶ 9 at ECF 04:01-02.	Irrelevant and Immaterial (Fed.R.Evid. 401); Speculation; Lack of Foundation; Witness lacks personal knowledge (Fed. R. Evid. 602).
“The video is an accurate depiction of LAPD using unlawful force against me on June 11 <sup>th</sup> , 2025.” Dkt. 27, Harris Dec., ¶ 10 at ECF 04:01-02.	Improper Opinion Testimony by Lay Witness (Fed.R.Evid. 701).

**OBJECTIONS TO DECL. OF TINA-DESIREE BERG – DKT. 28**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>
“In Los Angeles over the last five year [sic] Status Coup has reported on labor strikes, the Black Lives Matter protests, the WiSpa Protest, the Dobbs protests, the Free Palestine protests, and now the ICE protests.” Dkt. 28, Declaration of Tina-Desiree Berg (“Berg Dec.”), ¶ 5 at ECF 02:24-28.	Hearsay. (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a); Lack of Authentication (Fed.R.Evid. 901(a)).
“However, especially during the ICE Protests, LAPD has regularly used force or threat of force to interfere with journalists like me.” Dkt. 28, Berg Dec., ¶ 7 at ECF 03:09-11.	Hearsay. (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a)).

**OBJECTIONS TO THE DECLARATIONS OF ROGER CLARK AND ROHINI HAAR**

In addition to the above referenced specific objections, the City objects to the Declarations of Roger Clark (Dkt. 56-2) and Rohini Harr (Dkt. 56-3) in their entirety. The issues currently pending before this Court are not the proper subject of an expert opinion, as no expert opinion is required to assist this Court in determining whether a Temporary Restraining Order or a Preliminary Injunction should be issued. A purported expert’s testimony is allowed only if it will (1) assist the trier of fact in determining or understanding the facts in issue, (2) the proposed expert testimony is relevant, (3) if the

1 proposed expert witness is sufficiently qualified, and (4) if there is a reliable basis for  
2 expert's opinions and testimony. FRE 702; *Daubert v. Merrell Dow Pharmaceuticals*,  
3 509 U.S. 579 (1993).

4 Each proffered "expert" opinions is not relevant and is of no value in determining  
5 the issues before this Court. There is nothing technical or outside the Court's capabilities  
6 of sound reasoning that warrant consideration of Messrs. Clark's or Haar's opinions.  
7 "Encompassed in the determination of whether expert testimony is relevant is whether it  
8 is helpful to the jury, which is the 'central concern' of Rule 702." *Mukhtar v. Cal. State*  
9 *Univ., Hayward*, 299 F.3d 1053, 1066 n.7 (9th Cir. 2002); *see also United States v.*  
10 *Gwaltney*, 790 F.2d 1378, 1381 (9th Cir. 1986) ("The general test regarding the  
11 admissibility of expert testimony is whether the jury can receive 'appreciable help' from  
12 such testimony.").

13 Each expert opinion is, in reality, not an "expert" opinions, but rather each  
14 expert's own personal opinions and each declaration is impermissibly riddled with  
15 personal beliefs as to what the real facts are and what legal conclusion to draw. *See*  
16 *Hangarter v. Provident Life & Accident Ins. Co.*, 373 F.3d 998, 1016 (9th Cir. 2004);  
17 *Valtierra v. City of Los Angeles*, 99 F. Supp. 3d 1190, 1198 (C.D. Cal. April 13, 2015).  
18 Experts can offer opinions based on the evidence, not based on what the expert believes  
19 happened or a person's mindset. *See Willis v. City of Fresno*, 680 F. App'x 589, 591 (9th  
20 Cir. 2017); *Amin-Akbari v. City of Austin, Tex.*, 52 F. Supp. 3d 830, 848 (W.D. Tex.  
21 2014). Neither of Plaintiffs' proposed experts can opine as to a party or witness'  
22 subjective knowledge or to create a question of fact as to what a party or witness knew.  
23 *Cotton v. City of Eureka*, No. C08-04386 SBA, 2011 U.S. Dist. LEXIS 101657 at \*2  
24 (N.D. Cal. Sep. 8, 2011). An expert cannot testify as to a legal conclusion or the ultimate  
25 facts. *United States v. Tamman*, 782 F.3d 543, 553 (9th Cir. 2015). In addition, each of  
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27  
28



1 Plaintiffs' proposed experts impermissibly insists on repeatedly making legal  
2 conclusions throughout their respective declarations.

3 Plaintiffs' proposed experts' opinions also lack foundation and consist primarily  
4 of mere speculation. Expert qualifications, including adequate and relevant training and  
5 experience, are required to lay the foundation for the expert's opinion; otherwise, it is  
6 mere "unsupported speculation." FRE 703; *Plush Lounge Las Vegas LLC v. Hotspur*  
7 *Resorts Nev., Inc.*, 371 F. Appx. 719, 720 (9th Cir. 2010). "[N]othing in either *Daubert*  
8 or the Federal Rules of Evidence requires a district court to admit opinion evidence that  
9 is connected to existing data only by the *ipse dixit* of the expert.'" *Kumho Tire Co. v.*  
10 *Carmichael*, 526 U.S. 137, 157 (1999) (citations omitted).

11 Finally, recitation of the contents of documents also are no expert opinions, and  
12 those portions should be disregarded as the documents speak for themselves.

13 Thus, Plaintiffs' proposed experts' opinions should not be permitted or given any  
14 credence under FRE 401, 402, 403, 701, 702 and 703, and the Court should therefore  
15 disregard these declarations and any opinions expressed therein.

16  
17 Date: August 18, 2025

HYDEE FELDSTEIN SOTO, City Attorney  
DENISE C. MILLS, Chief Deputy City Attorney  
KATHLEEN KENEALY, Chief Assistant City Attorney  
CORY M. BRENT, Senior Assistant City Attorney  
GABRIEL DERMER, Assistant City Attorney

21 By: /s/ Gabriel Dermer  
22 GABRIEL DERMER, Assistant City Attorney  
23 Attorneys for Defendants CITY OF LOS ANGELES  
24 and JIM MCDONNELL  
25  
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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

LOS ANGELES PRESS CLUB,  
STATUS COUP,

Plaintiffs,

vs.

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

Defendants.

**CASE NO. 25-CV-05423 HDV-E**

**[PROPOSED] ORDER ON  
DEFENDANTS' OBJECTIONS TO  
EVIDENCE SUBMITTED BY  
PLAINTIFFS REGARDING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

**Date: August 25, 2025  
Time: 9:00 am  
Courtroom: 5B**

**Hon. Hernán D. Vera**

**DEFENDANTS' OBJECTIONS TO EVIDENCE SUBMITTED BY PLAINTIFFS  
REGARDING MOTION FOR PRELIMINARY INJUNCTION**

Defendants CITY OF LOS ANGELES and JIM McDONNELL (collectively “the City” or “Defendants”) respectfully submit the following Objections to the evidence Plaintiffs LA PRESS CLUB and STATUS COUP (collectively “Plaintiffs”) submitted concerning Plaintiffs’ Motion for Preliminary Injunction.

**OBJECTIONS TO DECL. OF SEAN BECKNER-CARMITCHEL – DKT. 20**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
“In June 2025, the LAPD has been firing more less lethals, known as LLMs, at journalists compared to 2020, with a casual disregard with LLMs, and firing at journalists’ heads.” Dkt. 20, Declaration of Sean Beckner-Carmitchel (“Beckner-Carmitchel Dec.”), ¶ 4 at ECF 02:20-24.	Speculation; Lack of Foundation; Witness lacks personal knowledge (Fed. R. Evid. 602).	Sustained: _____ Overruled: _____
“I’ve seen a lot more serious, visible injuries on journalists due to actions by the LAPD during the protests in June 2025 compared to 2020, many of which requires serious medical treatment or hospitalization.” Beckner-Carmitchel Dec., ¶ 4 at ECF 02:24-26.	Lack of Foundation (Fed. R. Evid. 602); Improper opinion from a lay witness (Fed. R. Evid. 701).	Sustained: _____ Overruled: _____

**OBJECTIONS TO DECL. OF CONSTANZA ELIANA  
CHINEA MERCADO – DKT. 22**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
<p>“Because I did not feel threatened or targeted by any acts of the protesters and given the officer’s warning that I would get hurt if I stayed in that location, I assumed that the officer meant LAPD would be deploying tear gas there shortly, as it apparently had before I arrived.” Dkt. 22, Declaration of Constanza Eliana China Mercado (“China Dec.”), ¶ 11 at ECF 04:06-09.</p>	<p>Lacks Personal Knowledge (Fed.R.Evid. 602); Irrelevant and Immaterial (Fed.R.Evid. 401).</p>	<p>Sustained:_____</p> <p>Overruled:_____</p>
<p>“Many of the journalists, including myself, in the area were upset at LAPD’s apparent violations of press freedoms, and we repeatedly asked the officers to allow us</p>	<p>Lacks Personal Knowledge (Fed.R.Evid. 602); Irrelevant and Immaterial (Fed.R.Evid. 401).</p>	<p>Sustained:_____</p> <p>Overruled:_____</p>

**OBJECTIONS TO DECL. OF CONSTANZA ELIANA  
CHINEA MERCADO – DKT. 22**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
to return close to the protest area as state law requires.” Dkt. 22, China Dec., ¶ 17 at ECF 05:21-24.		
“With no dispersal announcement or warning and without any justification, LAPD officers arrived with horses and began trampling protesters who were doing nothing violent, destructive, or illegal.” Dkt. 22, China Dec., ¶ 25 at ECF 07:10-13.	Improper Opinion Testimony by Lay Witness (Fed.R.Evid. 701).	Sustained: _____ Overruled: _____

**OBJECTIONS TO DECL. OF JORDAN CHARITON – DKT. 25**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
“She had a great position on an embankment where she had a direct line of site that showed both the protestors and the LAPD	Hearsay (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602,	Sustained: _____ Overruled: _____

<b>OBJECTIONS TO DECL. OF JORDAN CHARITON – DKT. 25</b>		
<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
squaring off. Unfortunately, not long after arriving in that location she was arbitrarily removed from that location by an LAPD. I watched the video Ms. Berg captured of the event. Ms. Berg tried her best to capture the protest, but LAPD forced Ms. Berg to leave the area by physically escorting her out of the Civic Center.” Dkt. 25, Declaration of Jordan Chariton (“Chariton Dec.”), ¶ 2 at ECF 02:11-18.	901(a); Lack of Authentication (Fed.R.Evid. 901(a)); Best Evidence Rule – video evidence speaks for itself (Fed.R.Evid. 1002).	
“Unfortunately, LAPD regularly violates 409.7. In the last five years Ms. Berg alone has been shot at by LAPD during the Floyd protests. Beaten by LAPD during the Dobbs protests. She was pushed and shoved during Eco [sic] Park. And now she was kicked out of the Civic Center during the ICE	Hearsay (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a); Improper Opinion Testimony by Lay Witness (Fed.R.Evid. 701).	Sustained: _____ Overruled: _____

**OBJECTIONS TO DECL. OF JORDAN CHARITON – DKT. 25**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
protests and that is just one of our journalists....” Dkt. 25, Chariton Dec., ¶ 6 at ECF 03:05-10.		
“This is obviously problematic because it prevents Status Coup journalists from capturing the news which is highly detrimental to us as our whole ... business model, is that we are dedicated to in-field journalism. Dkt. 25, Chariton Dec., ¶ 7 at ECF 03:14-25 and 26:28.	Irrelevant and Immaterial (Fed.R.Evid. 401); Hearsay (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a); Lack of Authentication. (Fed.R.Evid. 901(a)).	Sustained: _____ Overruled: _____
“When LAPD shoots, arrests, or otherwise interferes with Status Coup journalists it also forces us to redirect our time towards addressing LAPD’s unlawful actions.” Dkt. 25, Chariton Dec., ¶ 8 at ECF 04:01-03.	Improper opinion from a lay witness (Fed.R.Evid. 701).	Sustained: _____ Overruled: _____
“Status Coup has already had to release several videos illustrating LAPDs [sic] unlawful interference	Hearsay (Fed.R.Evid. 801); Lack of Foundation	Sustained: _____ Overruled: _____



<b>OBJECTIONS TO DECL. OF JORDAN CHARITON – DKT. 25</b>		
<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
with Tina Berg. We had to do the same thing in 2020 for the Floyd protests and also in 2022 for the Dobbs protest.” Dkt. 25, Chariton Dec., ¶ 8 at ECF 04:05-07.	(Fed.R.Evid. 602, 901(a); Lack of Authentication (Fed.R.Evid. 901(a)).	
“We can’t really license these videos, but we need LAPD’s practice of seizing, assaulting, and shooting the press to stop.” Dkt. 25, Chariton Dec., ¶ 8 at ECF 04:07-09.	Improper opinion from a lay witness (Fed.R.Evid. 701).	Sustained: _____ Overruled: _____
“However, the documentation of these incidents has apparently not been enough to get LAPD to change its practices. Now, the problem has gotten so out of hand that Status Coup is forced to dedicate precious time towards a lawsuit because nothing else has worked.” Dkt. 25, Chariton Dec., ¶ 8 at ECF 04:10-13.	Improper opinion from a lay witness (Fed.R.Evid. 701).	Sustained: _____ Overruled: _____

OBJECTIONS TO DECL. OF JORDAN CHARITON – DKT. 25		
MATERIAL OBJECTED TO	GROUND FOR THE OBJECTION	OBJECTION RULING
<p>“People engage with us because they want to see uncut, unfiltered, entrenched journalism. That can’t happen if our journalists are forced to be a block away from where the protests are happening. That cannot happen if our journalist are in the hospital because they got thrown to the ground, or shot at, or are waiting to be released after being detained.” Dkt. 25, Chariton Dec., ¶ 9 at ECF 04:16-21.</p>	<p>Hearsay (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a); Improper opinion from a lay witness (Fed.R.Evid. 701).</p>	<p>Sustained: _____ Overruled: _____</p>
<p>“Independent Media is important; it captures a breadth and depth of information that large corporate outfits are incapable of covering. However, embedding journalists into the core of the story is resource intensive. Dkt. 25, Chariton Dec., ¶ 10 at ECF 04:22-26.</p>	<p>Irrelevant and Immaterial (Fed.R.Evid. 401); Improper opinion from a lay witness (Fed.R.Evid. 701).</p>	<p>Sustained: _____ Overruled: _____</p>

**OBJECTIONS TO DECL. OF MONTEZ HARRIS – DKT. 27**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
<p>“If the officer had shot me, it would have been particularly dangerous as I was not on level ground and if I fell I would have been seriously injured.” Dkt. 27, Declaration of Montez Harris (“Harris Dec.”), ¶ 8 at ECF 03:17-20.</p>	<p>Irrelevant and Immaterial (Fed.R.Evid. 401); Speculation; Lack of Foundation; Witness lacks personal knowledge (Fed. R. Evid. 602).</p>	<p>Sustained:_____</p> <p>Overruled:_____</p>
<p>“However, as a father of young children I did not think that I could risk staying because it seemed very probable that LAPD would either seriously injury [<i>sic</i>] me or arrest me even though I was obviously present at the protest as a member of the press.” Dkt. 27, Harris Dec., ¶ 9 at ECF 04:01-02.</p>	<p>Irrelevant and Immaterial (Fed.R.Evid. 401); Speculation; Lack of Foundation; Witness lacks personal knowledge (Fed. R. Evid. 602).</p>	<p>Sustained:_____</p> <p>Overruled:_____</p>
<p>“The video is an accurate depiction of LAPD using unlawful force against me on</p>	<p>Improper Opinion Testimony by Lay Witness (Fed.R.Evid. 701).</p>	<p>Sustained:_____</p> <p>Overruled:_____</p>

**OBJECTIONS TO DECL. OF MONTEZ HARRIS – DKT. 27**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
June 11 <sup>th</sup> , 2025.” Dkt. 27, Harris Dec., ¶ 10 at ECF 04:01-02.		

**OBJECTIONS TO DECL. OF TINA-DESIREE BERG – DKT. 28**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
“In Los Angeles over the last five year [sic] Status Coup has reported on labor strikes, the Black Lives Matter protests, the WiSpa Protest, the Dobbs protests, the Free Palestine protests, and now the ICE protests.” Dkt. 28, Declaration of Tina-Desiree Berg (“Berg Dec.”), ¶ 5 at ECF 02:24-28.	Hearsay. (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a); Lack of Authentication (Fed.R.Evid. 901(a)).	Sustained: _____ Overruled: _____
“However, especially during the ICE Protests, LAPD has regularly used force or threat of force to interfere with	Hearsay. (Fed.R.Evid. 801); Lack of Foundation (Fed.R.Evid. 602, 901(a)).	Sustained: _____ Overruled: _____

**OBJECTIONS TO DECL. OF TINA-DESIREE BERG – DKT. 28**

<b>MATERIAL OBJECTED TO</b>	<b>GROUND FOR THE OBJECTION</b>	<b>OBJECTION RULING</b>
journalists like me.” Dkt. 28, Berg Dec., ¶ 7 at ECF 03:09-11.		

**OBJECTIONS TO THE EXPERT DECLARATIONS OF ROGER CLARK AND ROHINI HAAR**

<b>ROGER CLARK</b>	Sustained: _____ Overruled: _____
<b>ROHINI HAAR</b>	Sustained: _____ Overruled: _____

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE HERNÁN D. VERA  
UNITED STATES DISTRICT JUDGE

HYDEE FELDSTEIN SOTO, City Attorney  
DENISE C. MILLS, Chief Deputy City Attorney (SBN 191992)  
KATHLEEN KENEALY, Chief Assistant City Attorney (SBN 212289)  
CORY M. BRENT, Senior Assistant City Attorney (SBN 115453)  
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Attorneys for Defendants CITY OF LOS ANGELES and  
POLICE CHIEF JIM MCDONNELL

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

LOS ANGELES PRESS CLUB,  
STATUS COUP,

Plaintiffs,

vs.

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

Defendants.

CASE NO. 25-CV-05423 HDV-E

**DECLARATION OF LIEUTENANT  
JASMIN GOMEZ IN OPPOSITION  
TO PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

1 I, JASMIN GOMEZ, declare:

2 1. I am employed by the City of Los Angeles as a Lieutenant II with the Los  
3 Angeles Police Department (“LAPD”). My current assignment is with the LAPD Risk  
4 Management and Legal Affairs Division. I submit this declaration in opposition to  
5 Plaintiffs’ motion for preliminary injunction. If called to testify, I could and would  
6 competently do so of my own personal knowledge.

7 2. One of my duties is to assist the attorneys handling civil litigation matters on  
8 behalf of the LAPD with obtaining materials from the LAPD, including sharing with  
9 attorneys videos and documents from the computer servers which store that information.

10 3. In this matter, I assisted with obtaining and sharing the LAPD officers’ Body  
11 Worn Videos maintained by the LAPD related to this matter.

12 4. When an LAPD officer records video with his or her Body Worn Video, that  
13 video is uploaded to a server where it is maintained. In my capacity as a Lieutenant II  
14 with the LAPD, I have access to the Body Worn Video that is uploaded to the server.

15 5. For this matter, I accessed the Body Worn Videos maintained on the LAPD  
16 server, and which are being submitted as exhibits in support of Defendants’ Opposition to  
17 Plaintiffs’ Motion for Preliminary Injunction. True and correct copies of these videos are  
18 being submitted with a separate Notice of Lodging.

19 6. **Exhibit A** is a true and correct copy of LAPD Officer Moreno’s body worn  
20 camera footage captured on June 19, 2025

21 7. **Exhibit C** is a true and correct copy of LAPD Officer Dameworth’s body  
22 worn camera footage captured on June 8, 2025.

23 8. **Exhibit H** is a true and correct copy of LAPD Officer Chu’s body worn  
24 camera footage captured on June 8, 2025.

25 9. **Exhibit J** is a a true and correct copy of LAPD Officer Lopez’s body worn  
26 camera footage captured on June 8, 2025.

27 10. **Exhibit K** is a true and correct copy of LAPD Officer Del Papa’s body worn  
28 camera footage captured on June 9, 2025.



1           11.   **Exhibit L** is a true and correct copy of LAPD Officer Zambrano's body  
2 worn camera footage captured on June 9, 2025.

3           12.   **Exhibit M** is a true and correct copy of LAPD Officer Sanchez's body worn  
4 camera footage captured on June 9, 2025.

5           13.   **Exhibit N** is a true and correct copy of LAPD Officer Costello's body worn  
6 camera footage captured on June 9, 2025.

7           14.   **Exhibit O** is a true and correct copy of LAPD Officer Nam's body worn  
8 camera footage captured on June 10, 2025.

9           15.   **Exhibit P** is a true and correct copy of LAPD Officer Lankford's body worn  
10 camera footage captured on June 10, 2025.

11           16.   **Exhibit Q** is a true and correct copy of LAPD Officer Messaoudi's body  
12 worn camera footage captured on June 14, 2025.

13           17.   **Exhibit R** is a true and correct copy of LAPD Officer Polen's body worn  
14 camera footage captured on June 14, 2025.

15           18.   **Exhibit S** is a true and correct copy of LAPD Officer Soria's body worn  
16 camera footage captured on June 14, 2025.

17           19.   **Exhibit T** is a true and correct copy of LAPD Officer Castellon's body worn  
18 camera footage captured on July 4, 2025.

19           20.   **Exhibit U** is a true and correct copy of LAPD Officer Lancaster's body  
20 worn camera footage captured on July 4, 2025.

21           21.   **Exhibit V** is a true and correct copy of LAPD Officer Bueno's body worn  
22 camera footage captured on June 10, 2025.

23           22.   **Exhibit W** is a true and correct copy of LAPD Officer Newsome's body  
24 worn camera footage captured on June 11, 2025.

25           23.   **Exhibit X** is a true and correct copy of LAPD Officer Saephanh's body  
26 worn camera footage captured on June 11, 2025.

27           24.   **Exhibit Y** is a true and correct copy of LAPD Officer Copeland's body  
28 worn camera footage captured on June 14, 2025.

25. Paragraph 44 of Adam Rose's July 2, 2025 declaration (Dkt. 19) states that a camera operator for ABC News Australia was shot in the chest with an LLM on June 10. The declaration admits the ABC crew did not identify who fired the LLM. Officers in Risk Management and Legal Affairs Division were unable to locate any LAPD personnel present at the location at the day and time referenced in paragraph 44.

26. From my review of documents prepared and maintained as part of ordinary LAPD policy and procedure that I have access to as a Lieutenant II, Officers responding to the protests were specifically reminded of the Department's use of force policies, crowd control policies, the *Crespo* settlement, and Cal. Penal Code § 409.7.

27. **Exhibit Z** is a true and correct copy of LAPD Officer Corona's body worn camera footage captured on June 8, 2025.

28. **Exhibit AA** is a true and correct copy of LAPD Officer Daughtry's body worn camera footage captured on June 14, 2025.

29. **Exhibit BB** is a true and correct copy of LAPD Officer Olmos's body worn camera footage captured on June 14, 2025.

30. **Exhibit CC** is a true and correct copy of LAPD Officer Cardona's body worn camera footage captured on June 8, 2025.

31. **Exhibit DD** is a true and correct copy of LAPD Officer Fiallos's body worn camera footage captured on June 8, 2025.

32. **Exhibit EE** is a true and correct copy of LAPD Sergeant De Anda's body worn camera footage captured on June 14, 2025.

33. **Exhibit FF** is a true and correct copy of LAPD Lieutenant Dunster's body worn camera footage captured on June 14, 2025.

34. **Exhibit GG** is a true and correct copy of LAPD Officer Johnson's body worn camera footage captured on June 11, 2025.

35. **Exhibit HH** is a true and correct copy of LAPD Officer Bryant's body worn camera footage captured on June 11, 2025.

1           36.   **Exhibit II** is a true and correct copy of LAPD Officer Rivera's body worn  
2 camera footage captured on June 11, 2025.

3           37.   **Exhibit JJ** is a true and correct copy of LAPD Officer Alvarez's body worn  
4 camera footage captured on June 8, 2025.

5           38.   **Exhibit KK** is a true and correct copy of LAPD Officer Driller's body worn  
6 camera footage captured on June 14, 2025.

7           39.   **Exhibit LL** is a true and correct copy of LAPD Officer Machado's body  
8 worn camera footage captured on June 8, 2025.

9           40.   **Exhibit MM** is a true and correct copy of LAPD Officer Peraza's body  
10 worn camera footage captured on June 8, 2025.

11          41.   **Exhibit NN** is a true and correct copy of LAPD Officer Delgadillo's body  
12 worn camera footage captured on June 8, 2025.

13          42.   **Exhibit OO** is a true and correct copy of LAPD Officer Schneider's body  
14 worn camera footage captured on June 8, 2025.

15          43.   **Exhibit PP** is a true and correct copy of LAPD Officer Ortiz's body worn  
16 camera footage captured on June 8, 2025.

17          44.   **Exhibit QQ** is a true and correct copy of LAPD Officer Balbuena's body  
18 worn camera footage captured on June 8, 2025.

19          45.   **Exhibit RR** is a true and correct copy of LAPD Officer Copeland's body  
20 worn camera footage captured on June 11, 2025 in regard to the De Frias incident.

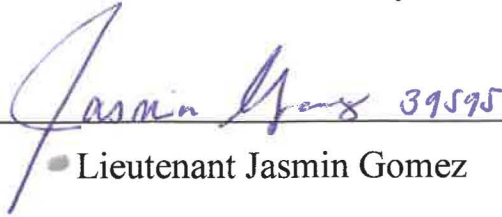
21          46.   **Exhibit SS** is a true and correct copy of LAPD Officer Johnson's body worn  
22 camera footage captured on June 11, 2025 in regard to the De Frias incident.

23          47.   **Exhibit TT** is a true and correct copy of LAPD Officer Campos's body  
24 worn camera footage captured on June 8, 2025.

25          48.   **Exhibit UU** is a true and correct copy of LAPD Officer Muro's body worn  
26 camera footage captured on June 8, 2025.

27          49.   **Exhibit VV** is a true and correct copy of LAPD Officer Christensen's body  
28 worn camera footage captured on June 8, 2025.

1  
2 I declare under penalty of perjury under the laws of the United States of America  
3 that the foregoing is true and correct. Executed this 18th day of August, 2025, in Los  
4 Angeles, California.

5  39595  
6 Lieutenant Jasmin Gomez  
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Moreno Body Worn Video  
Submitted Separately

**Exhibit A**

Dameworth Body Worn Video  
Submitted Separately

**Exhibit C**

Chu Body Worn Video  
Submitted Separately

**Exhibit H**



Lopez Body Worn Video  
Submitted Separately

**Exhibit J**

Del Papa Body Worn Video  
Submitted Separately

**Exhibit K**

Zambrano Body Worn Video  
Submitted Separately

**Exhibit L**

Sanchez Body Worn Video  
Submitted Separately

**Exhibit M**

Costello Body Worn Video  
Submitted Separately

**Exhibit N**

Nam Body Worn Video  
Submitted Separately

**Exhibit O**

Lankford Body Worn Video  
Submitted Separately

**Exhibit P**



Messaoudi Body Worn Video  
Submitted Separately

**Exhibit Q**

Polen Body Worn Video  
Submitted Separately

**Exhibit R**

Soria Body Worn Video  
Submitted Separately

**Exhibit S**

Castellon Body Worn Video  
Submitted Separately

**Exhibit T**

Lancaster Body Worn Video  
Submitted Separately

**Exhibit U**

Bueno Body Worn Video  
Submitted Separately

**Exhibit V**

Newsome Body Worn Video  
Submitted Separately

**Exhibit W**

Saepanh Body Worn Video  
Submitted Separately

**Exhibit X**



Copeland Body Worn Video  
Submitted Separately

**Exhibit Y**

Corona Body Worn Video  
Submitted Separately

**Exhibit Z**

Daughtry Body Worn Video  
Submitted Separately

**Exhibit AA**

Olmos Body Worn Video  
Submitted Separately

**Exhibit BB**

Cardona Body Worn Video  
Submitted Separately

**Exhibit CC**

Fiallos Body Worn Video  
Submitted Separately

**Exhibit DD**

De Anda Body Worn Video  
Submitted Separately

**Exhibit EE**

Dunster Body Worn Video  
Submitted Separately

**Exhibit FF**



Johnson Body Worn Video  
Submitted Separately

**Exhibit GG**

Bryant Body Worn Video  
Submitted Separately

**Exhibit HH**

Rivera Body Worn Video  
Submitted Separately

**Exhibit II**

Alvarez Body Worn Video  
Submitted Separately

**Exhibit JJ**

Driller Body Worn Video  
Submitted Separately

**Exhibit KK**

Machado Body Worn Video  
Submitted Separately

**Exhibit LL**

Peraza Body Worn Video  
Submitted Separately

**Exhibit MM**

Delgadillo Body Worn Video  
Submitted Separately

**Exhibit NN**



Schneider Body Worn Video  
Submitted Separately

**Exhibit OO**

Ortiz Body Worn Video  
Submitted Separately

**Exhibit PP**

Balbuena Body Worn Video  
Submitted Separately

**Exhibit QQ**

Copeland (De Frias) Body Worn Video  
Submitted Separately

**Exhibit RR**

Johnson (De Frias) Body Worn Video  
Submitted Separately

**Exhibit SS**

Campos Body Worn Video  
Submitted Separately

**Exhibit TT**

Muro Body Worn Video  
Submitted Separately

**Exhibit UU**

Christensen Body Worn Video  
Submitted Separately

**Exhibit VV**



HYDEE FELDSTEIN SOTO, City Attorney  
DENISE C. MILLS, Chief Deputy City Attorney (SBN 191992)  
KATHLEEN KENEALY, Chief Assistant City Attorney (SBN 212289)  
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Attorneys for Defendants CITY OF LOS ANGELES and  
POLICE CHIEF JIM MCDONNELL

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

LOS ANGELES PRESS CLUB,  
STATUS COUP,

Plaintiffs,

vs.

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

Defendants.

CASE NO. 25-CV-05423 HDV-E

DECLARATION OF COMMANDER  
RYAN WHITEMAN IN OPPOSITION  
TO PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION

1 I, RYAN WHITEMAN, declare:

2 1. I am employed by the City of Los Angeles as a Commander with the Los  
3 Angeles Police Department (“LAPD”). My current assignment is Assistant Commanding  
4 Officer of Operations for South Bureau. I have been employed by the LAPD since 1998.  
5 During my 27-year career, I have worked in a variety of assignments, including  
6 Commanding Officer of the Community Safety Partnership and Commanding Officer of  
7 the West Los Angeles Patrol Division. As a Lieutenant, I was the Commanding Officer  
8 of the Newton Area Detective Division and was the Officer-in-Charge of the Newton and  
9 Hollenbeck Gang Impact Teams. Most recently, I served as the Incident Commander for  
10 the civil unrest occurring from June 9, 2025, to June 16, 2025, in response to the federal  
11 government’s immigration enforcement actions. I understand that Plaintiffs Los Angeles  
12 Press Club and Status Coup (“Plaintiffs”) contend that LAPD “deliberately targeted”  
13 journalists who were covering this civil unrest. I further understand that Plaintiffs are  
14 seeking a preliminary injunction enjoining LAPD from: (1) prohibiting a journalist from  
15 entering or remaining in closed areas; (2) interfering with or obstructing journalists from  
16 newsgathering; (3) detaining journalists who are in closed areas; and (4) using less-lethal  
17 munitions (“LLMs”) and other crowd control weapons against journalists who are not  
18 posing a threat of imminent harm to an officer or another person. I submit this  
19 declaration in opposition to Plaintiffs’ motion for preliminary injunction. If called to  
20 testify, I could and would competently do so of my own personal knowledge.

21 2. I have received comprehensive training on crowd management and  
22 responding effectively to complex incidents, including courses on Advanced Strategies  
23 for Command and Control, Crowd Control, Mass Violence Tactical Response, and  
24 Leadership in Mass Events. In 2025, I served as Incident Commander over the Palisades  
25 Fire, the Grammy Awards, and the protests in 2020 in West Los Angeles related to the  
26 Armenian conflict. In 2023, I was the Deputy Incident Commander over the Academy  
27 Awards and the U.S. Open Golf Championship.

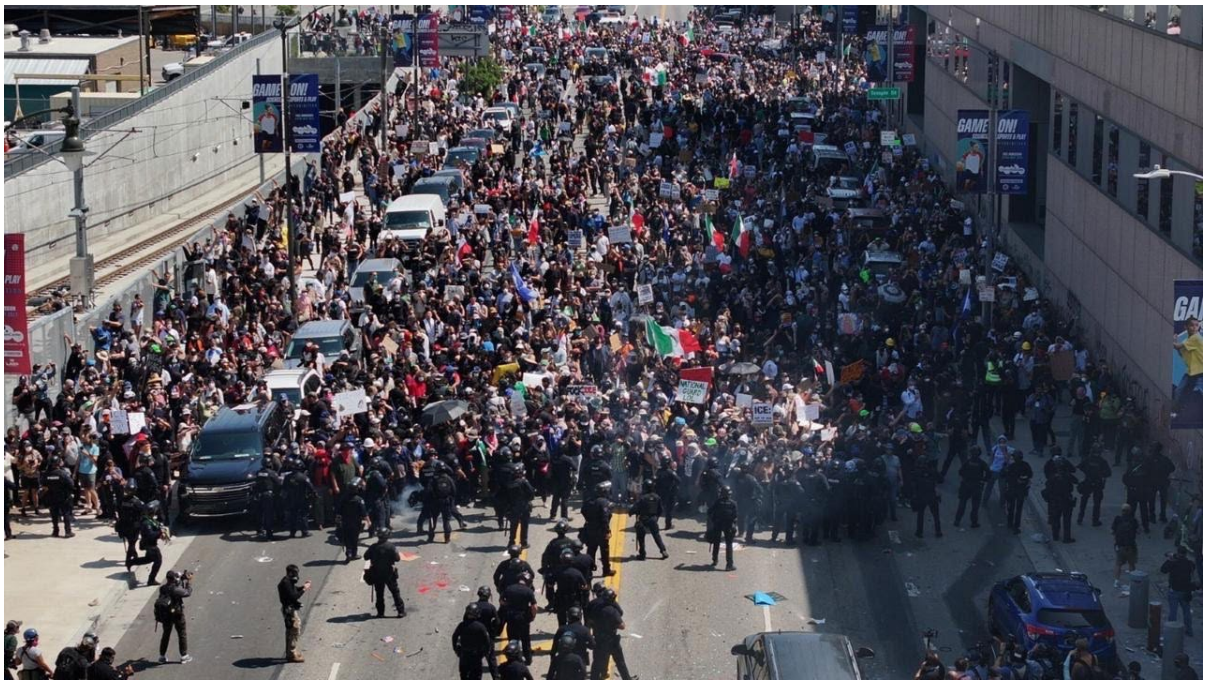
28 3. LAPD uses three different types of LLMs: the 40 mm less-lethal launcher,

1 the 37 mm less-lethal launcher, and the FN 303 less-lethal launcher. These LLMs are  
2 used either to defend against a threat to life or serious bodily injury, or to bring a  
3 dangerous situation safely and effectively under control. The 40 mm fires a single  
4 sponge round to directly hit an individual committing violent acts. The 37 mm, on the  
5 other hand, is non-direct. An officer fires the 37 mm at the ground five to ten feet in  
6 front of a violent portion of a crowd and five foam rounds bounce up and strike them.  
7 The FN 303 fires a single inert plastic projectile to directly hit an individual committing  
8 violent acts. LAPD understands that Penal Code section 13652 prohibits law  
9 enforcement from using “kinetic energy projectiles,” which include LLMs, “to disperse  
10 any assembly, protest, or demonstration.”

11 4. The civil unrest in June 2025 was far more violent, confrontational, and  
12 strategic than the civil unrest that followed George Floyd’s murder in the summer of  
13 2020. During the 2020 civil unrest, I served as the Mobile Field Force Leader, which  
14 provides a rapid response of LAPD personnel and resources to a specific area. In 2020,  
15 activists assaulted officers then retreated. In June 2025, however, activists stood their  
16 ground and were prepared to violently confront law enforcement. Activists also  
17 infiltrated LAPD radio communications and moved protest groups based on what they  
18 heard. Activists distributed shields, helmets, gas masks, and other gear in an attempt to  
19 undermine LAPD’s crowd control tactics. In fact, some activists formed logistical hubs  
20 to efficiently distribute those supplies to protestors. Activists also moved and separated  
21 protest groups in a deliberate effort to stretch thin LAPD resources and undermine law  
22 enforcement’s effectiveness in controlling the crowd and preventing property destruction.  
23 On several occasions law enforcement observed activists preparing to break into  
24 government buildings and unload wrenches and other tools.

25 5. What may have started as peaceful demonstrations against federal  
26 immigration actions devolved into wanton criminal behavior directed at local law  
27 enforcement, including LAPD, on the afternoon of Sunday, June 8, 2025. At around 1:00  
28 p.m., the crowd swelled around the federal buildings, including the Roybal Federal

1 Building and U.S. Courthouse, in between Temple Street and Aliso Street, and Los  
2 Angeles Street and Alameda Street, and blocked traffic. At around 2:00 p.m., LAPD  
3 declared an unlawful assembly in order to prevent the crowd from blocking traffic and to  
4 protect the federal buildings. At around 2:30 p.m., the crowd began hurling projectiles  
5 at officers. Below is a photograph that accurately demonstrates the conditions officers  
6 faced at around 2:30 p.m. while they attempted to protect the federal buildings on  
7 Alameda. In this photograph, officers are facing southbound, the crowd of approximately  
8 3,500 is facing northbound, and the federal buildings are on the right-hand side. The  
9 press were embedded within this crowd



22 6. At around 3:30 p.m., protestors retrieved debris from a construction site near  
23 the intersection of Alameda and Temple, and hurled it at officers. A protestor hurled a  
24 rock at an officer's face, injuring the officer. At around 3:47 p.m., two motorcyclists  
25 drove into a skirmish line, injuring two LAPD officers. Emergency Medical Technicians  
26 treated the officers at the scene but had trouble transporting them because of the crowd.  
27 At around 5:00 p.m., activists threw Molotov cocktails and commercial grade fireworks  
28 at officers near the Roybal Federal Building. At around 5:15 p.m., activists torched two

Waymo self-driving cars near the intersection of Los Angeles Street and Arcadia Street. LAPD also learned that activists would summon a Waymo to their location in order to destroy it. At around 5:30 p.m., law enforcement saw activists attempt to scale the fence surrounding the Metropolitan Detention Center. Given the growing crowd and chaos, at around 6:30 p.m., public transportation had to bypass the area. At around 7:00 p.m., activists removed the pink metal infrastructure from Grand Park and used it to form a large barricade across Spring Street. Motorcyclists pulled up behind the barricade. From behind the barricade, activists threw projectiles and M-80s and launched commercial grade fireworks at officers. Activists also chipped the concrete curb, slid the debris over to people behind the barricade, and then those people hurled it at officers. LAPD used tear gas to bring this dangerous situation under control and then officers disassembled the barricade.<sup>1</sup> Generally, tear gas does not require hospitalization or follow-up care.

7. At around 8:30 p.m., activists formed another barricade across Main Street using wrought iron fencing. I am attaching as Exhibit H a true and correct excerpt of an officer's body worn video [Chu BWV 20:28:49 – 20:29:16]. Exhibit H shows that while officers attempted to disassemble and surmount the barricade, an incendiary device exploded in an officer's face, seriously injuring him.<sup>2</sup>

8. On Monday, June 9, 2025, at 6:00 a.m., I began my tenure as Incident Commander over the protest activity. At around 9:00 p.m., officers reported protestors throwing projectiles at them. At around 10:00 p.m., an officer was struck with a

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<sup>1</sup> Social media clips depict the barricades, the projectiles hurled at officers, and the deployment of tear gas on June 8. <https://www.instagram.com/p/DK3KO9tPh8U/>; <https://www.instagram.com/p/DKz8tTQSQZn/>; <https://www.instagram.com/p/DKqd4Y0xfPH/>; <https://www.instagram.com/p/DKqe-7ngQsD/?hl=en>. True and correct copies of these clips are lodged as Exhibits D, E, F and G. Activists also threw tear gas cannisters back at officers.

<sup>2</sup> The time in the upper right-hand corner of body worn video reflects the local time zone, Pacific Time, using a 24-hour clock.



1 projectile requiring a rescue ambulance. Protestors also set several fires. At around  
2 11:45 p.m., protestors set a vehicle on fire, but homemade spike strips prevented the  
3 LAFD from responding to the scene. On Tuesday, June 10, at around 1:28 p.m., at the  
4 intersection of Alameda Street and Temple Street, protestors blocked traffic lanes, so that  
5 opposing traffic would travel in the wrong lanes, risking a head-on collision. The crowd  
6 ignored officers' orders to get on the sidewalk and disperse. Throughout the afternoon,  
7 officers reported that protestors were hurling projectiles at them. On Wednesday, June  
8 11, at around 6:00 p.m. at the intersection of Hill Street and Third Street, the crowd  
9 swelled to 800-900 people and officers reported protestors hurling commercial grade  
10 fireworks at them. Throughout the evening and night, officers continued to report  
11 projectiles, including mortars, being hurled at them. Officers arrested two individuals for  
12 assault with a deadly weapon. On Thursday, June 12, at around 6:46 p.m., a crowd  
13 arrived at the intersection of Alameda Street and Aliso Street with shields. At around  
14 7:42 p.m., at First Street and Broadway, officers reported that protestors were throwing  
15 rocks and bottles at them. On Friday, June 13, a Waymo executive informed LAPD that  
16 it was suspending its operation in the area given the vandalism to its fleet. At around  
17 3:30 p.m., officers found a bag of rocks near Motor Transport Division, the facility where  
18 LAPD stores its fleet of vehicles. LAPD was concerned that activists placed this bag of  
19 rocks at this location to use later against officers and property.

20 9. On Saturday, June 14, No Kings Day, the crowd swelled to almost 30,000 at  
21 City Hall in the early afternoon. At around 3:00 p.m., protestors attempted to evade  
22 officers positioned around the federal building and breach the building. Officers  
23 attempted to divert the crowd away from the federal building. At around 3:45 p.m. and  
24 throughout the afternoon, officers reported that protestors threw projectiles at them. At  
25 around 4:00 p.m., individuals were throwing rocks and bottles at officers from high  
26 ground at Los Angeles and Temple. The Los Angeles County Sheriffs Department and  
27 LAPD used tear gas to bring this dangerous situation under control. On Sunday, June 15,  
28

1 and on Monday, June 16, the protests grew smaller, and slowly calm and normalcy  
2 returned to the area.

3 10. From Monday, June 9, 2025, to Monday, June 16, 2025, LAPD was on  
4 tactical alert because of protest activity in the downtown Los Angeles area. A tactical  
5 alert is the preliminary stage of the Department Mobilization Plan for unusual  
6 occurrences. It provides for the controlled redistribution of on-duty personnel to achieve  
7 the personnel level necessary to control a major police incident. A tactical alert may be  
8 declared for a specific geographic area or Citywide. The tactical alert may expand or  
9 contract based upon the circumstances of the incident.

10 11. I understand Plaintiffs partially base their request for injunctive relief on  
11 Penal Code section 409.7, which allows a “duly authorized representative” of the press  
12 access to a closed area. I am attaching as Exhibit I, which is an LAPD Training Bulletin  
13 entitled “Crowd Management, Intervention, and Control – Part II Media,” dated May  
14 2025. Exhibit I instructs officers on how to comply with Penal Code section 409.7 and  
15 states the following: “Representatives of the media include anyone representing a news  
16 service, online news service, newspaper, radio, television station or network. Those  
17 persons may enter closed areas for the purpose of gathering, receiving, or processing  
18 information for communication to the public. Closed areas include any area where  
19 officers have closed access to the public, including but not limited to the immediate areas  
20 surrounding any emergency field command post, police/skirmish line, or other rolling  
21 closure at any demonstration, march, protest, rally, or where individuals are primarily  
22 engaged in any activity that is protected by the First Amendment to the United States  
23 Constitution or Article I of the California Constitution.” The Training Bulletin notes that  
24 although “[a]uthorized members of the media are allowed behind police lines[,]...the  
25 Department may restrict media access to the command post, or **crime scenes** for the  
26 purpose of the preservation of evidence.” The Training Bulletin further notes that  
27 “[n]othing precludes officers from enforcing other applicable laws if the member of the  
28 media is engaged in activity that is otherwise unlawful or **is interfering with official law**

1 **enforcement duties** including, but not limited to, collecting evidence and making  
2 arrests.”

3 12. A skirmish line is a line of officers standing about three to five feet apart that  
4 controls the movement of a crowd. An inner perimeter, on the other hand, is formed by  
5 officers conducting a mass arrest. The officers contain the arrestees and pull each  
6 individual arrestee out of the inner perimeter for processing and then gradually close the  
7 perimeter. While Penal Code section 409.7 allows duly authorized members of the press  
8 into closed areas, such as behind a skirmish line, it does not give the press permission to  
9 enter (or remain in) a crime scene, such as an inner perimeter.

10 13. During riotous activity, the officers forming the skirmish line do their best to  
11 allow all press to pass through despite not having the bandwidth to meaningfully  
12 determine whether someone actually qualifies as a “duly authorized” member of the  
13 press. Since the vetting process becomes hurried, inevitably someone with false  
14 credentials or a desire to interfere with official law enforcement duties will get behind the  
15 skirmish line. This situation presents a potential officer safety issue because, among  
16 other reasons, individuals allowed behind the skirmish line are not searched for  
17 contraband. Therefore, LAPD is forced to position officers behind the skirmish line to  
18 monitor everyone there, which further stretches resources thin.

19 14. It is also unclear to LAPD whether security guards that work for news  
20 organizations qualify as “duly authorized” members of the press.

21 15. I understand that in support of their preliminary injunction motion Plaintiffs  
22 have submitted declarations from Adam Rose, the secretary and press rights chair of Los  
23 Angeles Press Club, and Jordan Chariton, the founder and CEO of Status Coup, as well  
24 as seven people who identify as journalists: Tina Berg, Montez Harris, Michael Nigro,  
25 Hector Perez, Constanza Mercado, Anthony Orendorff, and Sean Beckner-Carmitchel. I  
26 understand that these nine declarations collectively discuss about 40 incidents of LAPD  
27 purportedly targeting journalists covering the ICE protests. Given the limited timeframe,  
28 I could not personally review all these incidents, but I did review eight of them. I provide



1 the following perspective for the Court’s consideration:

2 a. **Lauren Tomasi:** According to paragraph 26 of Adam Rose’s declaration, on  
3 June 8, 2025, “an LAPD officer appeared to aim his weapon and intentionally shoot”  
4 Australian reporter Lauren Tomasi in the leg with an LLM. Mr. Rose based his  
5 testimony on Exhibits 30 and 31, which are two YouTube videos. I have reviewed  
6 Exhibits 30 and 31, as well as the body worn video of the officer who fired the LLM. I  
7 am attaching as Exhibit J [Officer Lopez BWV 17:08:57-17:10:57] a true and correct  
8 two-minute excerpt of the officer’s body worn video.

9 As demonstrated by Exhibit J, the officer who fired the 37 mm did not intend for  
10 any of the five skip-fired foam baton rounds to strike Ms. Tomasi; instead, he was  
11 targeting a group of individuals near Ms. Tomasi who were throwing projectiles at the  
12 officers on the skirmish line. Specifically, at 17:09:19, the officer is scanning the crowd  
13 for threats. A second later, at 17:09:20, Ms. Tomasi is seen in the lower left-hand corner  
14 of the video wearing jeans and a green jacket with her back to the skirmish line. At  
15 17:09:38, the officer fires a 37 mm round and then explains to his colleagues on the  
16 skirmish line that he did so because a “group right there with the flags” were “throwing”  
17 things at the officers. The group with the flags is seen at 17:09:44 in the lower left-hand  
18 corner. No officer intentionally shot Ms. Tomasi.

19 Notably, Exhibit J also demonstrates the chaotic and dangerous situation facing the  
20 officers on the skirmish line. At 17:09:36 and 17:10:30 commercial grade fireworks  
21 explode near the skirmish line. At 17:10:33-17:10:54 the officer can be heard warning  
22 his colleagues on the skirmish line that people are “throwing fireworks and bottles” and  
23 “people are hiding behind cars and throwing items.”

24 b. **Michael Nigro:** According to paragraph 37 of Mr. Rose’s declaration, on  
25 June 9, 2025, an LAPD officer shot photojournalist Michael Nigro in the head with an  
26 LLM, but he was “saved from serious injury” by the helmet he was wearing. According  
27 to Mr. Nigro’s declaration, he had two encounters with LAPD officers on June 9, 2025.  
28 First, at around 5:43 p.m., “LLMs hit a pole near [his] head three times” as he “stood on

1 the Temple Street Bridge, a pedestrian overpass over East Temple Street.” (Declaration  
2 of Michael Nigro, ¶¶ 5-9 [“the first incident”].) Next, about two hours later, at around  
3 7:28 p.m., in Little Tokyo near the Savoy Condominiums, he testified that he “was shot  
4 in the head with an LLM by LAPD” while wearing a “combat helmet.” (Declaration of  
5 Michael Nigro, ¶¶ 10-15 [“the second incident”].) Mr. Nigro attached to his declaration  
6 Exhibit 16, which is a photograph of him wearing the helmet with what he describes as a  
7 “noticeable white-streak impact mark of a[n] LLM.” He also attached Exhibit 17, a video  
8 of the “shooting.” I have reviewed Exhibits 16 and 17.

9 With respect to the first incident, as an initial matter, according to paragraph 6 of  
10 Mr. Nigro’s declaration, he saw “LAPD *and National Guard* officers carrying weapons  
11 with signature orange tips and orange stocks that deploy LLMs.” So, even if LLMs were  
12 fired near or at Mr. Nigro, he cannot definitively state that LAPD was responsible for  
13 those shots. Nor can he rule out the federal police who also wear “dark blue uniforms”  
14 like LAPD. (See Declaration of Michael Nigro, ¶ 6.) Next, as demonstrated by body  
15 worn video during the timeframe and at location at issue, the officers were not targeting  
16 Mr. Nigro. I am attaching as Exhibit K [Officer Del Papa BWV 17:40:50-17:42:44] a  
17 true and correct approximately two-minute excerpt of an officer’s body worn video.  
18 Specifically, at 17:40:50-17:41:09 officers give a dispersal order, telling people to “leave  
19 the area,” then shout descriptions to each other of people who are throwing things at  
20 them. At 17:41:11 the officers warn each other of someone spraying something ahead of  
21 them. At 17:41:53 the officers approach the pedestrian overpass, and Mr. Nigro is seen  
22 standing on the overpass. At 17:42:03, Mr. Nigro can be plainly seen still standing on the  
23 overpass. At 17:42:15-17:42:17, Mr. Nigro can be seen ascending the pedestrian  
24 overpass. At 17:42:39, Mr. Nigro can still be seen standing on the overpass in the  
25 distance and then he walked out of sight. I see no evidence of LAPD targeting Mr. Nigro  
26 when he claims they did. Finally, Mr. Nigro testifies that LLMs hit a “pole” on the  
27 pedestrian overpass, but as demonstrated by the below picture, no pole exists on the  
28 overpass. For all these reasons, I disbelieve Mr. Nigro’s account of the first incident.



With respect to the second incident, based on my review of an officer's body worn video at the timeframe and location at issue, officers did not deliberately target Mr. Nigro. I am attaching as Exhibit L [Officer Zambrano BWV 19:27:38-19:31:41] a true and correct approximately four-minute excerpt of an officer's body worn video. Specifically, at 19:27:42-19:28:03, Mr. Nigro can be seen at the right-side of the frame holding an orange-colored cellphone mount on his camera and wearing attire labeled "PRESS." About a minute earlier, officers had given several dispersal orders, which were ignored by this crowd. At 19:29:12, an officer skip fires a 37 mm round at the ground. He was not targeting Mr. Nigro. At 19:30:29, Mr. Nigro can be plainly seen filming an individual screaming at officers on the skirmish line. The individual aggressively screamed at the officers "you can take it, you can take it, you got riot gear!" The individual seemed to be suggesting that officers should not react to having projectiles repeatedly hurled at them. Given his stance and hostile manner, the individual seemed to be challenging the officers and inciting the crowd against them. At 19:31:27, a group of

1 officers encircle this individual (forming an “arrest circle”) after he continued to scream  
2 “you got riot gear, you got riot gear!” The crowd began to approach and surround the  
3 arrest circle, which presents an officer safety issue. At 19:31:31, an officer fires a 37 mm  
4 at the ground and Mr. Nigro can be seen flinching. Based on Mr. Nigro’s personal  
5 recording of the incident (Exhibit 17), I believe the second incident is captured at  
6 19:31:31. The officer who fired the 37 mm at this time aimed at the ground to control the  
7 dangerous situation facing the officers forming the arrest circle—he was not targeting  
8 Mr. Nigro. A few second later, at 19:31:39, Mr. Nigro can be seen still filming the  
9 skirmish line. Notably, Mr. Nigro testifies that Exhibit 16 reflects the “white streak” of  
10 that LLM that allegedly hit him around 7:28 p.m., but the below image, taken from body  
11 worn video, shows that the “white streak” was there at 6:00 p.m. I cannot testify with  
12 any certainty that the white streak was the result of an LLM being deployed by LAPD or  
13 any other law enforcement agency, nor can I testify as to when it was caused.



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24 c. **Erin Burnett:** According to paragraph 38 of Mr. Rose’s declaration, on June  
25 9, 2025, “nationally recognizable” CNN anchor Erin Burnett was “shoved by an  
26 advancing line of LAPD officers” while broadcasting live. Mr. Rose based his testimony  
27 on Exhibit 49, which is a 41 second clip of the incident. I have reviewed Exhibit 49. I  
28 am attaching as Exhibit M [Officer Sanchez BWV 18:12:20-18:14:26] a true and correct



1 approximately two-minute excerpt of an officer's body worn video. Specifically, at  
2 18:12:39, Ms. Burnett can be seen on the left-hand side of the frame wearing black  
3 clothing, a black baseball hat, and a gray sweatshirt tied around her waist. Although Mr.  
4 Rose described her as "nationally recognizable," at this point she had her back to the  
5 skirmish line. Not only was she very casually dressed, but she displayed no visible press  
6 credentials or CNN logo. Nonetheless, it was obvious she was a journalist because while  
7 she stood in front of the skirmish line, a cameraman is in front of her, presumably filming  
8 her. The skirmish line moved forward and at 18:12:42, a female supervisor instructed an  
9 officer to get Ms. Burnett "out of here," meaning that Ms. Burnett was blocking the  
10 forward movement of the skirmish line and needed to move out of the way. At 18:12:42,  
11 the officer pushed Ms. Burnett forward. At 18:14:19, Ms. Burnett again stopped in front  
12 of the skirmish line, preventing it from advancing forward once again, so an officer  
13 nudged her forward. At 18:14:25, an officer pushed Ms. Burnett forward and away from  
14 the skirmish line. Based upon my review of the body worn video, the officers did not  
15 push or nudge Ms. Burnett because she was a journalist; instead, they pushed or nudged  
16 Ms. Burnett to prevent her from repeatedly interfering with the forward advancement of  
17 the skirmish line. As the video makes clear, Ms. Burnett was blocking forward progress  
18 of officers but was treated professionally and not subjected to any violence. The press  
19 should not expect an advancing skirmish line to stop, slow down, or move around them.  
20 No one—not even a "nationally recognizable" journalist—should be allowed to interfere  
21 with legitimate law enforcement actions in such a manner. Furthermore, officers want  
22 physical space between themselves and civilians, including members of the press.

23 d. **Jason Carroll:** According to paragraph 39 of Mr. Rose's declaration, on  
24 June 9, 2025, LAPD officers "detained" CNN reporter Jason Carroll, "ordered [him] to  
25 put his hands behind his back, and escorted [him] away from the police line." Mr. Rose  
26 based his testimony on Exhibits 50, 51, and 52, which are various social media clips of  
27 the incident. Mr. Rose further stated that it was his "understanding" that two CNN  
28 security guards were arrested and cited as well, but he did not disclose any basis for this

1 “understanding” nor did he identify these security guards. I reviewed Exhibits 50, 51,  
2 and 52.

3 I am attaching as Exhibit N [Officer Costello BWV 21:05:38-21:07:49] a true and  
4 correct approximately two-minute excerpt of an officer’s body worn video. Based on my  
5 review of Exhibit N, Mr. Carroll was not detained. In fact, officers respectfully extracted  
6 Mr. Carroll and his crew from an inner perimeter during a mass arrest and escorted them  
7 out. As I already discussed above, an inner perimeter is an active crime scene, and the  
8 press is not allowed to remain inside of it.

9 Following repeated orders to disperse, at around 8:34 p.m., the crowd at the  
10 location was advised that they were no longer free to leave the area, they were being  
11 arrested for violating Penal Code section 409 (unlawful assembly following an order to  
12 disperse), and that they would be taken into custody. At 21:05:38, a man approached an  
13 officer who was part of the inner perimeter, identified himself as a former LAPD officer,  
14 and explained that he was a security guard for a CNN crew. The officer asked the man to  
15 identify who was also part of the CNN crew and to call them over. At 21:06:09, Mr.  
16 Carroll approached the officers, and the officer explained that he was not under arrest  
17 because he was press, but they were going to escort him out of the inner perimeter. The  
18 officer informed Mr. Carroll not to return, or he would be arrested. Two officers escorted  
19 him out of the inner perimeter. The officer further explained to Mr. Carroll that his entire  
20 crew would be taken out of the inner perimeter one-by-one in a similar manner. The man  
21 from Mr. Carroll’s crew, who initially approached the officers and identified himself as  
22 CNN security, was not arrested. Instead, like the other members of the CNN crew, he  
23 was simply escorted out of the inner perimeter. I saw no evidence on this body worn  
24 video of LAPD arresting any member of Mr. Carroll’s crew or security team.

25 e. **CNN crew split up while broadcasting:** According to paragraph 42 of Mr.  
26 Rose’s declaration, on June 10, 2025, LAPD officers “split up” a CNN crew. Mr. Rose  
27 based his testimony on Exhibit 55, which is a BlueSky clip of the incident. I have  
28 reviewed Exhibit 55.

1 I am attaching as Exhibit O [Officer Nam 14:36:00-14:36:27] a true and correct  
2 twenty-seven second excerpt of an officer's body worn video. Based on my review of  
3 Exhibit O, at 14:36:03, CNN reporter Kyung Lah approached a skirmish line that was  
4 arriving at the scene of a mass arrest, and she showed the officers her press credential.  
5 Officers allowed Ms. Lah and her cameraman to get behind the skirmish line, but not her  
6 two security guards. Since her two security guards were unable to produce press  
7 credentials, the officers ordered them to get away from the skirmish line. Notably, Ms.  
8 Lah and her entire crew were very casually dressed and bore no visible CNN logos, so it  
9 was very difficult for officers to readily determine who was a legitimate member of her  
10 crew and who was not. I am attaching as Exhibit P [Officer Lankford 15:08:43-15:09:24]  
11 a true and correct forty-one second excerpt of an officer's body worn video from a mass  
12 arrest. Based on my review of Exhibit P, at 15:08:55, Ms. Lah's two security guards  
13 were extracted from the inner perimeter formed around the mass arrest and escorted out.

14 I also understand that in Exhibit 55, as officers allowed Ms. Lah through the  
15 skirmish line, an officer said to her, "Are you grabbing me? Get away from me!"  
16 Although that may not have been the politest way to communicate with Ms. Lah, officers  
17 are on high alert during civil unrest and generally do not want to be casually or even  
18 incidentally touched by civilians, including members of the press. Furthermore, as  
19 demonstrated by Exhibit 55, the scene was loud and yelling became necessary to be  
20 heard. Helicopters were circling above, protestors and police were using amplified  
21 sound, and hundreds of people were congregating and talking in the vicinity.

22 f. **Matt Gutman:** According to paragraph 51 of Mr. Rose's declaration, on  
23 June 14, 2025, while ABC News correspondent Matt Gutman was reporting live, an  
24 officer physically moved him out of the way ("incident 1") and, in a separate incident,  
25 officers yelled and pushed him back ("incident 2"). Mr. Rose based his testimony on  
26 Exhibits 68 (incident 1) and 69 (incident 2), which are social media clips. I have  
27 reviewed Exhibits 68 and 69.

1 With respect to incident 1, I am attaching as Exhibit Q [Officer Messaoudi  
2 17:48:59-17:49:39] a true and correct excerpt of an officer's body worn video. At  
3 17:49:04, the officers begin to form a skirmish line along a marked crosswalk and Mr.  
4 Gutman can be seen in the middle of the frame. A white sedan is stopped in the  
5 crosswalk such that the officers in the skirmish line and the driver of the white sedan  
6 were facing each other. At 17:49:20, Mr. Gutman can be seen standing directly in front of  
7 the white sedan within the skirmish line. At 17:49:22, the officer, who is wearing a gas  
8 mask, told Mr. Gutman and his crew to get out of the skirmish line. At 17:49:24, the  
9 officer pushed Mr. Gutman out and away from the skirmish line. Mr. Gutman's crew  
10 dutifully followed him away from the skirmish line. At 17:49:39, Mr. Gutman can be  
11 seen reporting with his back to the skirmish line and a few feet away from it. Based on  
12 Exhibit Q, I believe that Mr. Gutman interfered with the officers' ability to form a  
13 skirmish line.

14 With respect to incident 2, I am attaching as Exhibit R [Officer Polen 17:50:44-  
15 17:51:25] a true and correct approximately forty-one second excerpt of an officer's body  
16 worn video. At 17:50:44, the officer was standing in a skirmish line facing east. He was  
17 wearing a gas mask, as were most of the other officers in the frame, because tear gas was  
18 either recently dispersed or will be imminently dispersed. At 17:50:53, the officer turned  
19 around because Mr. Gutman put his hand on the officer's upper back from behind. The  
20 officer and his colleagues told Mr. Gutman to step back and stop touching the officer.  
21 Mr. Gutman denied touching the officer and repeatedly stepped toward the officers. In  
22 fact, Mr. Gutman's security guard held Mr. Gutman back from further advancing toward  
23 the officers. At 17:51:02, an officer pushed Mr. Gutman away from them. During this  
24 conversation, the officers yell at Mr. Gutman because they were wearing gas masks,  
25 which make it difficult to clearly communicate at a normal volume. In other words, an  
26 officers must yell to be heard and understood while wearing a gas mask, and this is  
27 especially true during a loud protest. At 17:51:25, Mr. Gutman turned from the skirmish  
28 line and continued to broadcast.



1 I am attaching as Exhibit S [Officer Soria 17:50:44-17:51:18] a true and correct  
2 excerpt of another officer's body worn video who was standing in the same skirmish line  
3 facing west. At 17:50:44, Mr. Gutman and his crew can be seen approaching the  
4 skirmish line and at 17:50:47, Mr. Gutman touched the back of the officer who was  
5 facing east. I have included a still image capturing the exact moment that Mr. Gutman  
6 touched the officer's back. To be clear, for officer safety reasons, no one—not even a  
7 member of the press—should approach an officer from behind and touch him while he is  
8 standing in a skirmish line. Officers are trained to maintain physical distance from  
9 civilians, including members of the press.



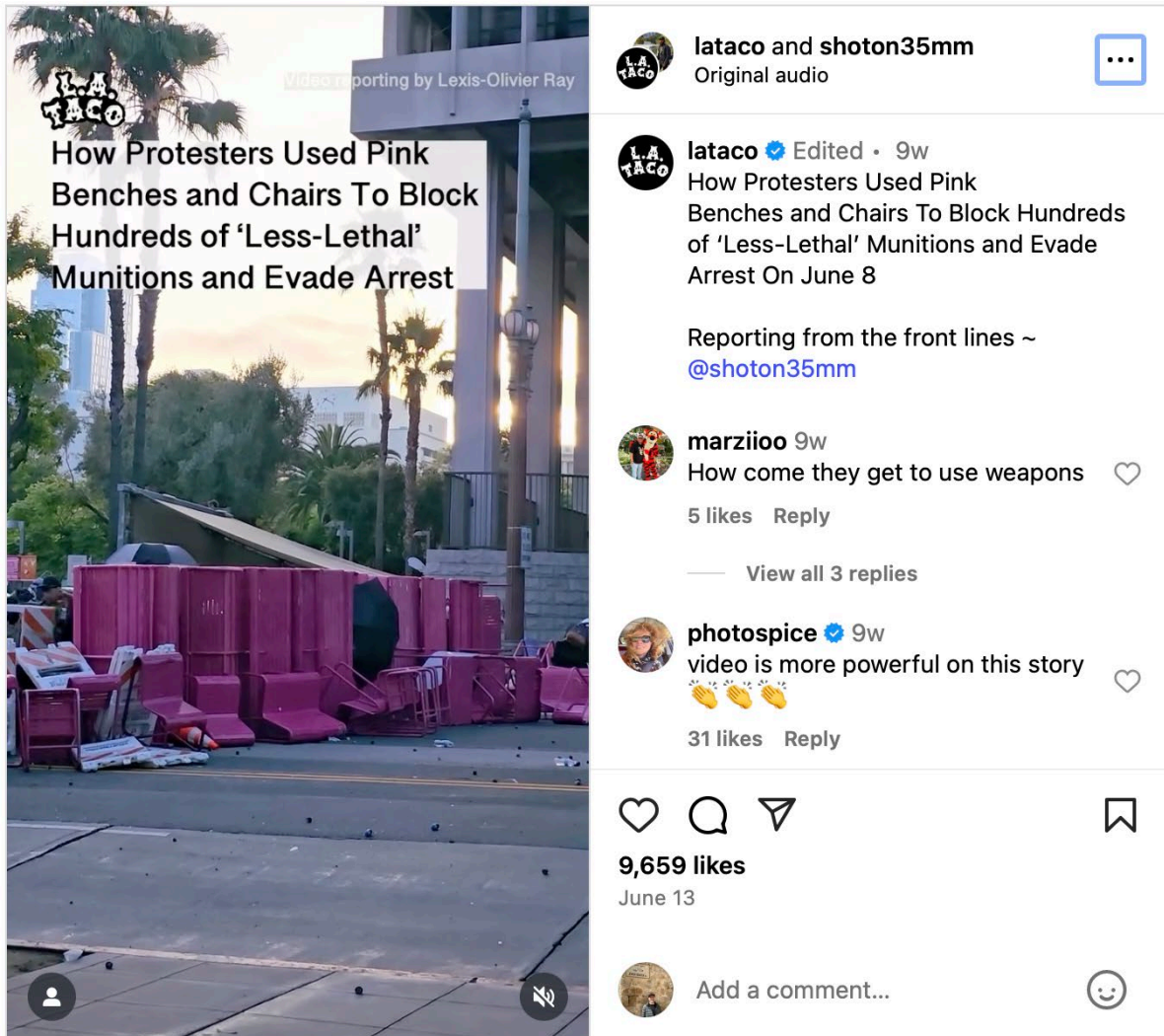
16. In summary, officers are certainly aware of the press during civil unrest—in  
fact, there appeared to be a salient and large amount of press in the videos I reviewed—  
yet officers did not target the press or deliberately interfere with their reporting. If  
anything, some press interfered with official law enforcement duties, but even so,  
officers are plainly not targeting press with LLMs or anything else. As discussed in  
paragraph 11, LAPD trains its officers to observe the rights of the media to gather,  
receive, and process information.

1 I declare under penalty of perjury under the laws of the United States of America  
2 that the foregoing is true and correct. Executed this 18th day of August, 2025, in Los  
3 Angeles, California.

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6 Commander Ryan Whiteman  
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## Instagram Reel

### Submitted Separately



## Exhibit D

Instagram Reel  
Submitted Separately

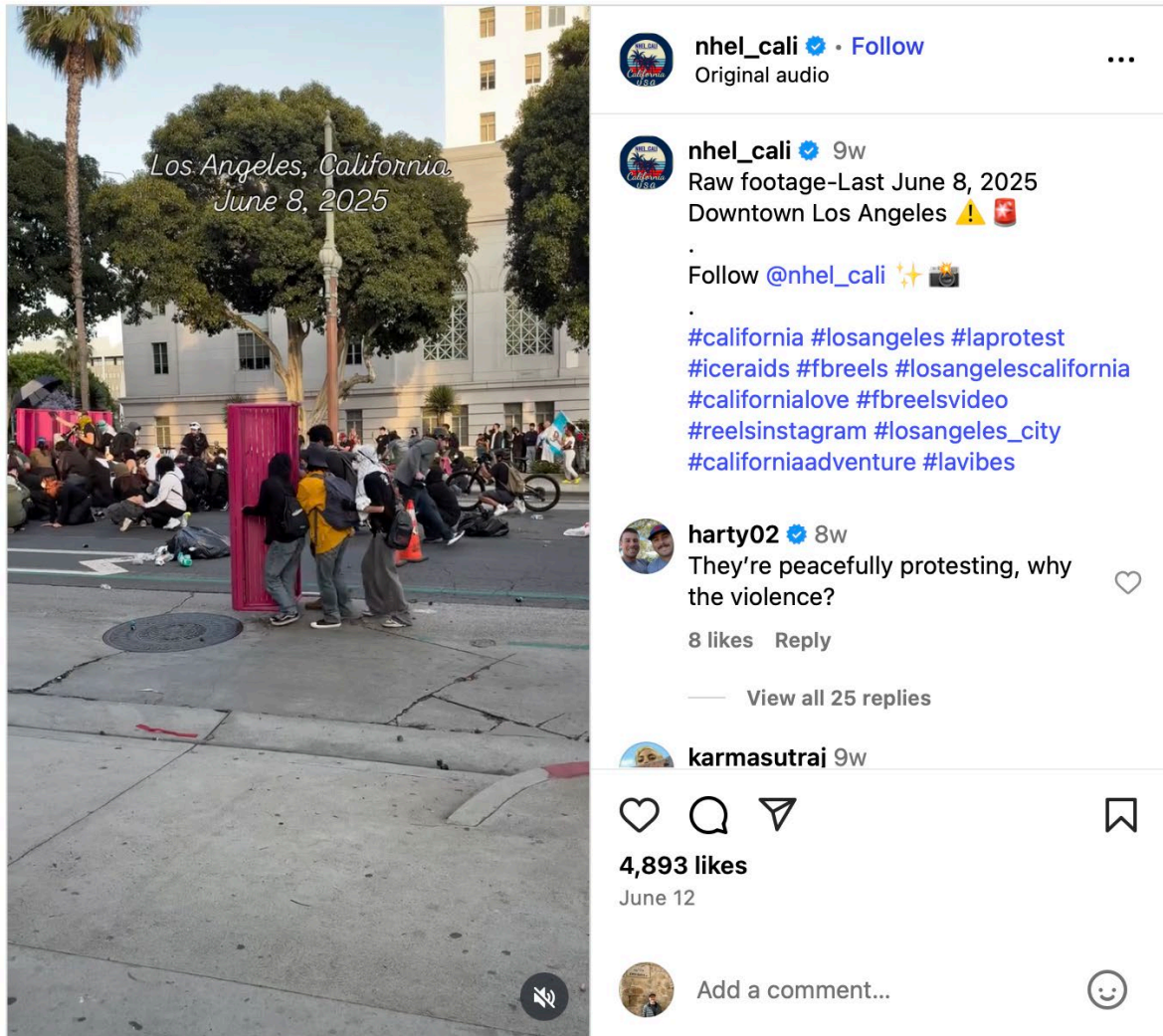


Exhibit E



## Instagram Reel

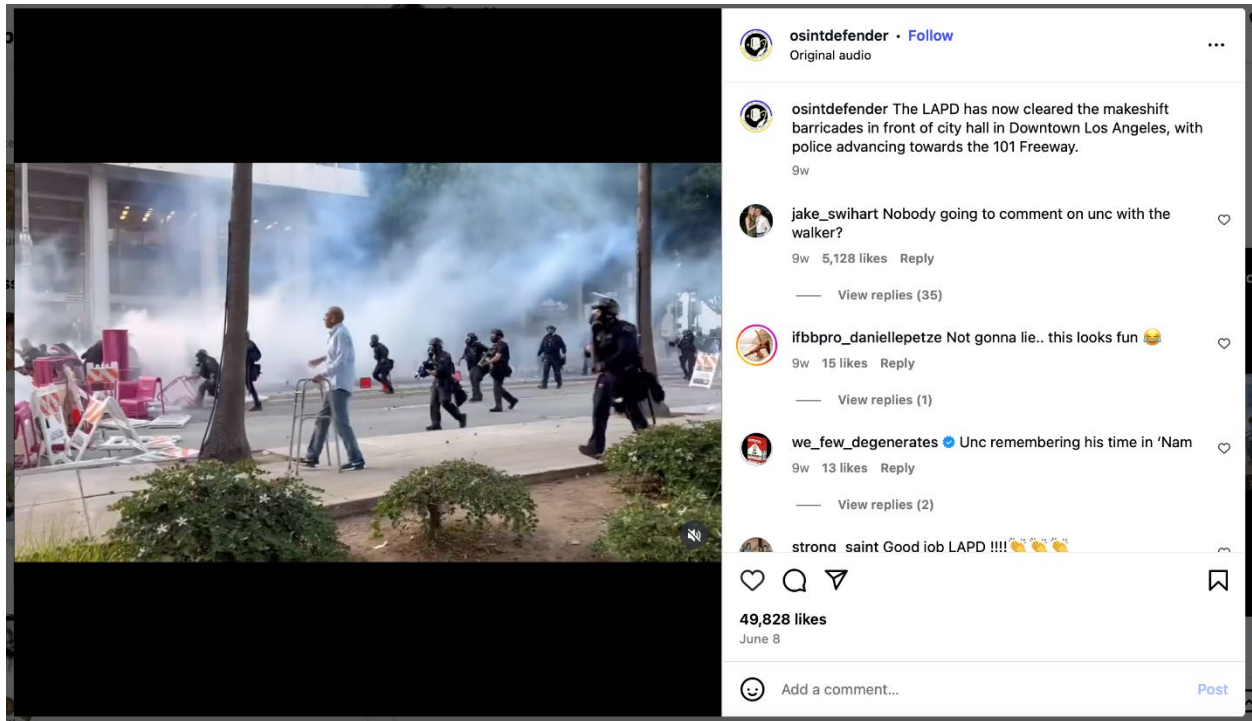
### Submitted Separately



## Exhibit F

# Instagram Reel

## Submitted Separately



# Exhibit G

Officer Chu Body Worn Video  
Submitted Separately

**Exhibit H**

# **Exhibit I**





LOS ANGELES POLICE DEPARTMENT

# TRAINING BULLETIN

Volume LIV, Issue 3, May 2025

Jim McDonnell, Chief of Police

## CROWD MANAGEMENT, INTERVENTION, AND CONTROL – PART II MEDIA

### PURPOSE

The purpose of this bulletin is to guide officers' interactions with media members during public assemblies, large events, or other crowd-related situations that require police management, intervention, or control. "Service to our Communities" and "Respect for People" are fundamental core values of the Los Angeles Police Department. In a society where free speech and the right to assembly are guaranteed by the Federal and State constitutions, it is the mission of police officers to protect the constitutional rights of all members of the public. This includes those who are members of the media and are gathering, receiving or processing information for communication to the public.

### PROCEDURE

It is the Department's goal to provide the media as much access as legitimately possible to assist them in their duties to gather, receive or process information for communication to the public. With the exception of spontaneously occurring events, whenever the Department develops an Event Action Plan for an event that involves a public assembly, the Department will, when practicable, designate a media viewing area. The viewing area will be within visual distance and audible range of the event, for members of the media to assemble. Media members do not have to be restricted to the designated area.

**Definition – Duly Authorized Representatives of the Media:** Those persons possessing current, valid credentials issued by the Department or other bona fide law enforcement agency, or other identification establishing duly authorized representation of news media affiliation or employment; including any member of a news service, online news service, newspaper, radio, television station or network.

**Note:** "Freelance" reporters or photographers possessing a valid media credential or other identification establishing duly authorized news media affiliation or primary employment shall be deemed as authorized news media representatives.

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## **Authorized Media**

Representatives of the media include anyone representing a news service, online news service, newspaper, radio, television station or network. Those persons may enter closed areas for the purpose of gathering, receiving, or processing information for communication to the public. Closed areas include any area where officers have closed access to the public, including but not limited to the immediate areas surrounding any emergency field command post, police/skirmish line, or other rolling closure at any demonstration, march, protest, rally, or where individuals are primarily engaged in any activity that is protected by the First Amendment to the United States Constitution or Article I of the California Constitution.

**Note:** Mere verbalization or declaration of a person that they are a media member does not grant access as a duly authorized media member.

In a situation where a person within the crowd identifies as a member of the media, officers should request a supervisor. The supervisor will facilitate movement for members of media within any mobile field force tactics. The supervisor will assign an officer to monitor and keep them at a safe distance from any harm and interfering with the ongoing tactical situation. Department personnel should make every effort to determine whether the person has any evidence that they are gathering information for news, such as possessing a media identification or business card. If a determination cannot be made, a Public Information Officer (PIO) should be requested to assist.

**Note:** If a PIO is not assigned to an incident, PIOs are available off-hours and can be contacted via the Department Operations Center.

These media access laws do not require specific government-issued credentials; however, press members should be able to provide reasonable "indicia" of their role, such as law enforcement-issued press passes, employer identification (ID) from their media organization, press association ID, business cards, letters of assignment, relevant business licenses, or published bylines.

## **Access**

Authorized members of the media are allowed behind police lines. When officers are approached by a possible media member during crowd control situations, they should call a supervisor to make an objectively reasonable determination whether the person will be allowed into closed areas.

**Note:** The Department may restrict media access to the command post (i.e., the area where incident-specific information is being shared by public safety personnel, strategic decisions are being made, or deliberations are ongoing), or crime scenes for the purpose of the preservation of evidence.

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A duly authorized representative of the media who is in a closed area described above and is gathering, receiving, or processing information for communication to the public, shall not be cited for failure to disperse, a violation of curfew, or other violation of California Penal Code Section 148(a)(1).

**Note:** Nothing precludes officers from enforcing other applicable laws if the member of the media is engaged in activity that is otherwise unlawful or is interfering with official law enforcement duties including, but not limited to, collecting evidence and making arrests.

### **Determining Access**

When attempting to determine access to closed areas for duly authorized media members, supervisors should, based on the objectively reasonable standard, consider the following factors and whether the persons in question are:

- In possession of a press pass, press association ID, employer ID, letter(s) of assignment, business license, or other indicia of being a media member;
- Wearing clothing or carrying equipment with press/media symbols or logotypes;
- Following officers' directions;
- Actively capturing the incident with video or other media;
- Engaging in protest activities (e.g., throwing objects, acting antagonistic or violent, holding protest signs);
- Operating in the function of gathering, receiving, or processing news information; and,
- Carrying items prohibited under Los Angeles Municipal Code Section 55.07 while attending a public demonstration, rally, protest, picket line, or public assembly (such as metal or plastic pipes, baseball bats, glass bottles, etc.).

The following questions can help to clarify whether an individual is authorized and acting as a member of the media:

- Do you have a press pass?
- What company do you work for?
- What part of the event are you covering?
- How are you recording this incident?
- Where is your content posted?
- Can you show me your website?
- Can I see your personal identification? (Then, when feasible, utilize an online search for the name and media organization)

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## Dispersal

When officers are attempting to disperse a crowd after a dispersal order has been given, the same criteria shall be used to determine media access to closed areas. Supervisors should evaluate the factors listed both above, and in the table below, when determining media access during crowd dispersal. Officers should attempt to facilitate movement of authorized media as much as feasible given the circumstances.

DETERMINING MEDIA ACCESS TO CLOSED AREAS	
<b><u>Allowing Access</u></b> – Factors that can indicate the person is a duly authorized member of the media	<b><u>Refusing Access</u></b> – Factors that support <b>not</b> allowing the person behind police lines (even if they have indicia of being media)
Officers should note that these factors are not, in and of their own, valid reasons for allowing or disallowing access. They are considerations as part of the totality of the circumstances.	
Possession of: <ul style="list-style-type: none"> <li>• Press Pass</li> <li>• Press Association Identification (ID)</li> <li>• Employer ID Card</li> <li>• Letter(s) of Assignment</li> <li>• Relevant Business License</li> <li>• Other Indicia of Media Authorization</li> </ul>	Does <b>not</b> have indicia of being media
Person is following officers' directions	Person is not following officers' directions: <ul style="list-style-type: none"> <li>• Refusal to show identification and/or press credentials</li> <li>• Entering closed areas despite verbal warnings</li> <li>• Not answering questions</li> </ul>
Person is actively capturing the incident with video or other media	Person does not have the apparent ability to capture incident information such as a camera, notebook, or recording device
Person is reasonably perceived to be newsgathering, receiving, or processing information	Person is engaged in protest activities: <ul style="list-style-type: none"> <li>• Holding protest signs</li> <li>• Being antagonistic before identifying self as press</li> <li>• Throwing objects</li> <li>• Not operating in the function of news gathering</li> <li>• Carrying items prohibited under Los Angeles Municipal Code (LAMC 55.07) while attending public demonstration, rally, protest, picket line, or public assembly (such as metal or plastic pipes, baseball bat, glass bottles, etc.)</li> </ul>

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### **Interference with Department Operations**

Members of the press who are in closed areas are not allowed to: obstruct Department or emergency operations; engage in activities with no news gathering purpose; facilitate the entry of or transport non-members of the press (unless for a safety reason); fly drones or other aircraft without Federal Aviation Administration authorization; trespass on private property without owner permission; or enter closed federal property. Department operations include law enforcement activities such as ongoing investigations and arrests in process.

### **CONCLUSION**

The Department understands that a well-informed public is essential to the existence of a democratic society. Members of the media provide vital information to the public, and the Department has an obligation, within legal limits, to accommodate the media as they perform this task. By using sound judgement and working with the media during crowd-related situations, officers embody our core values of “Reverence for the Law” and “Respect for People.”

Field Training Services Unit  
Police Training and Education

DISTRIBUTION “A”

Officer Lopez Body Worn Video  
Submitted Separately

**Exhibit J**

Officer Del Papa Body Worn Video  
Submitted Separately

**Exhibit K**

Officer Zambrano Body Worn Video  
Submitted Separately

**Exhibit L**



Officer Sanchez Body Worn Video  
Submitted Separately

**Exhibit M**

Officer Costello Body Worn Video  
Submitted Separately

**Exhibit N**

Officer Nam Body Worn Video  
Submitted Separately

**Exhibit O**

Officer Lankford Body Worn Video  
Submitted Separately

**Exhibit P**

Officer Messaoudi Body Worn Video  
Submitted Separately

**Exhibit Q**

Officer Polen Body Worn Video  
Submitted Separately

**Exhibit R**

Officer Soria Body Worn Video  
Submitted Separately

**Exhibit S**

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

LOS ANGELES PRESS CLUB,  
STATUS COUP,

Plaintiffs,

vs.

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

Defendants.

**CASE NO. 25-CV-05423 HDV-E**  
**DECLARATION OF JENNIFER**  
**FORKISH IN SUPPORT OF**  
**DEFENDANTS' OPPOSITION TO**  
**PLAINTIFFS' MOTION FOR**  
**PRELIMINARY INJUNCTION**



**DECLARATION OF JENNIFER FORKISH**

1  
2 1. I am employed by the City of Los Angeles where I serve as the Public  
3 Information Director with the Los Angeles Police Department (“LAPD”). I have been  
4 employed with the LAPD since July 29, 2024, and have served in my current role since  
5 that date. I am over the age of 18 years, have personal knowledge of the facts contained  
6 herein, and make the following factual statements based on that personal knowledge and  
7 my review of documents related to this matter. If called to testify, I could and would do  
8 so competently.

9 2. To support the LAPD’s commitment to transparency with the media and the  
10 public when it comes to issues of public safety and concern, the LAPD’s Media  
11 Relations Division is tasked with responding to scenes when appropriate and  
12 communicating with members of the media on incidents that generate interest. The role  
13 of LAPD’s Media Relations Division, and guidelines for media access, are outlined in  
14 more detail in the LAPD’s Media Relations Guide, a true and correct copy of which is  
15 attached hereto as **Exhibit A**. This reference guide is intended to provide LAPD  
16 personnel and members of the media with relevant policies and procedures, best  
17 practices, and applicable laws related to duties and responsibilities when interacting with  
18 the media.

19 3. My job as Public Information Director entails overseeing all aspects of  
20 media relations for the LAPD, including answering media questions, responding to  
21 interview requests, and Department-wide messaging. In my role as Public Information  
22 Director for the LAPD, I am routinely contacted by members of the media, who reach  
23 out to me with questions or concerns about media access to incidents at which there is  
24 LAPD presence, including public assemblies.

25 4. Though I (and others) received some complaints from members of the  
26 media concerning the response by law enforcement to protests that began in June 2025, I  
27 also received complimentary and positive feedback from various mainstream media  
28 outlets. For example, Alex Stone, a Los Angeles-based national correspondent for ABC

1 News Radio, sent a complimentary text message to me and LAPD Chief Jim McDonnell  
2 at 6:58 a.m. on Sunday, June 15, 2025, expressing gratitude to the LAPD for "...in the  
3 height of the mess treating us fairly and professionally as things were unfolding" and  
4 specifically saying "thank you for keeping us safe and not hitting us with less lethal." A  
5 true and correct copy of the entire text message I received from Alex Stone is attached  
6 hereto as **Exhibit B**.

7 5. I also watched a KCAL 9 News segment in which a reporter reported live  
8 on air from outside City Hall on June 9, 2025 at approximately 6:10p.m. that "[LAPD]  
9 have been good to just try to get us media out of the way safely, and they warn us...if we  
10 need to fire off these rubber bullets, we will at the protestors..." A true and correct copy  
11 of the relevant portion of that broadcast is attached hereto as **Exhibit C**.

12 I declare under penalty of perjury under the laws of the United States of America  
13 that the foregoing is true and correct. Executed this 3<sup>rd</sup> day of August, 2025, in Los  
14 Angeles, California.

15   
16 Jennifer Forkish

## **EXHIBIT A**





# **LOS ANGELES** POLICE DEPARTMENT **MEDIA RELATIONS GUIDE**







“Our unwavering commitment to supporting the media in their First Amendment Right to free press, is one way the Los Angeles Police Department is transparent and accountable to the public. Providing the various types of media with access to significant events has never been more critical given the multitude of platforms broadcasting newsworthy events. Media and public communication is central to 21<sup>st</sup> Century Policing.” – Chief Choi

---

DOMINIC H. CHOI

CHIEF OF POLICE

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## INTRODUCTION

When it comes to issues of public safety and concern, the Los Angeles Police Department (LAPD or Department) is committed to transparency with the media and the public. The media is a medium through which to communicate with and inform the public. It is also the responsibility of the LAPD to uphold the United States Constitution's First Amendment which establishes the foundation for a free press. We must provide the media with reasonable access and information to uphold such lawful mandates.

This Media Relations Guide (Guide) is intended to provide Department personnel and members of the media with relevant policies and procedures, best practices, and applicable laws related to duties and responsibilities when interacting with the media. This is only a reference guide, and it is not intended to cover every possible situation pertaining to the LAPD's policy on the release of information, or Department personnel's interactions with the media.

Media Relations Division (MRD) is committed to supporting the Department by responding to scenes when appropriate and communicating with members of the media on incidents that generate interest. It is the goal of MRD to allow the Commanding Officer (CO) and Investigating Officer (IO) to focus on the incident, and not be diverted by media needs.

In this Guide, you will learn about MRD capabilities to include telephonic advice, formatting a news release, and responding to an incident to speak with members of the media, as well as other services.

For information about LAPD news releases, its policies, procedures, history, statistical data, area of jurisdiction, news conference information, press/media credentials, entertainment and trademark coordination, or anything else related to media, contact Media Relations Division at (213) 486-5910, or visit the LAPD website at [www.lapdonline.org](http://www.lapdonline.org), or off-hours through the Department Operations Center.



## **Chapter 1**

### **Media Relations Division**

#### **ABOUT MEDIA RELATIONS DIVISION**

The Media Relations Division is located at the Los Angeles Police Department's Headquarters Facility (PHF) on the 2<sup>nd</sup> Floor, Suite 257B. Below are the sections that make up MRD and some of their duties.

- Media Relations Section (MRS)
  - News Releases/News Advisories;
  - Coordinate press conferences and interviews for the Chief of Police;
  - Respond to media inquiries, telephonically, and via electronic mail;
  - Social media (LAPD HQ and LAPD PIO platforms);
  - Responds to incidents to provide public statements; and,
  - Issue press/media passes.
- Online Unit
  - Post Critical Incident Videos;
  - Post news releases;
  - Post updated crime data;
  - Post information on homicide victims; and,
  - Post Board of Police Commissioners' agenda.
- Video Unit
  - Critical Incident Videos;
  - Chief of Police Messages;
  - Other internal messaging; and,
  - Social Media Videos.
- Trademark and Location Permits

#### **PUBLIC INFORMATION OFFICER DEPLOYMENT**

A supervisor assigned to MRD will respond to every Officer-Involved Shooting (OIS), excluding Animal Shootings, or to any incident where the Chief of Police or the Commanding Officer of MRD deems a Public Information Officer (PIO) is necessary. This may include, but is not limited to, homicides, fatal traffic collisions, or other significant events.

When an event grows large in scale, the PIO will ensure messaging is coordinated through a Joint Information Center (JIC) in collaboration with Department and City leaders, as well as other impacted departments or agencies. This will ensure coordinated and consistent messaging to the public.

During events expecting a large presence of media and potential civil unrest, an Incident Commander (IC) or the Planning Section Chief should include a PIO in the Event Action Plan. Ideally, the PIO will be present at the Command Post, along with at least one media team consisting of two PIOs who are available to respond to the field to fulfill the IC's needs related to

the media. Additionally, PIOs should post factual, timely information on social media platforms and ensure that such posts are not buried by more recent posts.

## **MEDIA TEAM DEPLOYMENT**

### **Senate Bill 98 and Penal Code Section 409.7**

**Purpose:** The below deployment recommendations are intended to guide Los Angeles Police Department (LAPD) personnel responsible for creating an Event Action Plan (EAP), when responding to a spontaneous large-scale event, or who are assigned to a Media Team during such an event.

**Background:** On January 1, 2022, Senate Bill 98 (SB) became effective. The bill amended California Penal Code (PC) Section 409.7. Penal Code Section 409.7 allows “a duly authorized representative of the media” to enter or remain in an area closed by police at a protest, demonstration, rally, or where people are gathered primarily to engage in an activity protected by the First Amendment. The LAPD’s policy regarding 409.7 PC can be found in the Office of the Chief of Police (OCOP) Notice, *Senate Bill 98 – Media Access to Closed Areas – Assemblies, Protests and Demonstrations*, dated December 14, 2021.

To aid in implementing this change to media access, the LAPD staff shall utilize Media Teams for such events when operationally feasible, as outlined below.

**Media Team Deployment:** If an assembly, protest, or demonstration is known to the Department and the pre-planning allows for personnel to be requested in advance, the Incident Commander (IC) should ensure Media Relations Division (MRD) personnel are requested to staff a Media Team. When a spontaneous event takes place, MRD personnel may be limited or delayed.

**Note: It is the responsibility of the IC to ensure compliance with Penal Code Section 409.7 with the resources available at the time.**

When operationally feasible, MRD will staff one Media Team that includes: one MRD supervisor, one MRD officer, and one MRD social media officer. The social media officer should remain at the command post, while the supervisor and the officer should remain with the IC.

**Note:** A large-scale event may require 2–4 additional personnel to assist MRD. Personnel responsible for creating an EAP shall consult with MRD before the event, when possible, to identify the necessary additional personnel. If the spontaneous nature of an event does not allow time to assign personnel to assist MRD, assistance to identify the additional personnel shall be coordinated through the DOC.

This configuration allows for the needs of the media to be facilitated and ensure officer safety when the addressing the media at a skirmish line and behind police lines.

- **Supervisor** – The duties of the supervisor on the Media Team include interacting with media members requesting access into a closed area or behind a police line. Those media members will be allowed access behind the line and directed to the area designated for media, when such an area has been established, under the following circumstances:
  - An LAPD News Media Identification Card is not required to be considered a member of the media. If the individual is acting in a manner consistent with gathering, receiving, or processing information for communication to the public, they should be considered media.
  - If the individual's behavior consists of engaging in criminal behavior or behavior that jeopardizes the safety of officers or the public (including, but not limited to, verbally threatening officers, inciting violence, or criminal conduct), when possible, the behavior should be recorded on video and the individual will not be allowed access reserved for media at the event. In such instances, the Media Team supervisor shall advise the individual why they are being denied access.
  - When the media is allowed behind the police line, the Media Team supervisor, in consultation with the IC, should determine the best point of access along the police line as well as a safe location to where media shall be directed. Although each situation will be assessed by the IC and the supervisor, a preliminary consideration should be to allow media through at one end of the police line. Once the access point is determined, the linebackers should be made aware of the location and share the location with the personnel on the police line, so they can direct any media that approaches them to the selected location to meet with the Media Team.
- **Media Team Members** – The duties of the officers assigned to the Media Team include ensuring that media allowed behind the police line do not interfere with police operations. As stated in the OCOP Notice regarding SB 98, access to a command post may still be restricted. The personnel and vehicles behind a police line are considered part of the command post. Members of the media should be directed to an area behind the LAPD personnel and vehicles. The Media Team officers will ensure the media is aware of where they have access and that members of the media do not encroach upon the command post.
  - A member of the media who attempts to enter the command post can be excluded from being behind the police line for violating 409.7 PC & 409.5(d) PC – Crimes Against the Public Peace, and/or 148 PC – Offenses Against Public Justice. Any advisements given to members of the media that could lead to their exclusion from the designated media area should be given by the Media Team supervisor or

another available supervisor. The advisement should be recorded on video and the video should include the image of to whom the advisement was given.

As delineated in the OCOP Notice regarding SB 98, *“Nothing precludes officers from enforcing other applicable laws if the member of the media is engaged in activity that is otherwise unlawful or is interfering with official law enforcement duties including, but not limited to, collecting evidence, and making arrests.”*

- **Dispersal Order:**

- In the event a dispersal order is issued, 409.7 PC exempts members of the media from the order. Media Team officers should identify media members and designate a media staging area for them which does not interfere with police operations but allows them to view police activity while in the closed area. The Media Team should work with the IC to include announcements for the media to identify themselves and meet with the Media Team at a location designated by the Media Team and the IC. However, the media are not required to utilize the designated media staging area.
- If a member of the media is detained during a large-scale incident, a supervisor shall be notified and meet with the detained individual.

- **Criminal Activity:**

- If a person who identifies themselves as a member of the media is engaged in criminal activity (*i.e.*, Vandalism, theft, battery, etc.), they are not exempt from arrest for the appropriate criminal section. In this instance, a supervisor shall respond and be made aware of the circumstances surrounding the detention and arrest.

**Note:** If a person alleging to be media is arrested and an MRD supervisor is not present, MRD shall be notified as soon as possible.

## **CRIME AND ARREST REPORTS**

Victims of a crime may obtain a copy of the report prepared for their incident by calling Records and Identification Division at (213) 486–8130.

### **Releasable Information: Arrest(s)/Booking**

In addition to responding to incidents in the field, MRD is also tasked with providing certain crime and arrest information as appropriate via a news release.

The identity of a suspect(s) will not be released prior to booking.

**Note:** Booking is defined as having been processed with a booking number generated. Department Manual Section 0/030 defines “Booking,” as the process of registering in the Department records the custody of persons or property.

The MRD will not provide the following information of an arrestee:

- Prior criminal record, reputation, or character of suspect;
- Confession or existence of a confession;
- Any photograph or booking photograph unless:
  - The release will aid in arrest;
  - The release will aid in investigation; and/or,
  - The release will warn the public of danger.
- Identity or any personal information regarding a juvenile arrestee or suspect without permission from a Juvenile Court;
- The identity, credibility, or testimony of prospective witnesses/including:
  - Any opinion as to the suspect’s guilt, innocence, or merits of the case;
  - Any information known to be inadmissible in court; or,
  - Results of investigative procedures (e.g., fingerprints, polygraph tests, or ballistic tests).

**Note:** Pursuant to 5328 Welfare and Institutions Code (WIC), information regarding any 5150 WIC action when a person is taken into custody for a 72-hour hold shall not be disclosed to the public and/or members of the media.

- Results of investigation prior to arrest, unless the release of the information will:
  - Aid in the investigation;
  - Assist in the apprehension of the suspect(s); or,
  - Warn the public of danger.
- The following employee and personnel matters are prohibited for release under Penal Code Section 832.5:
  - Confidential personnel matters;
  - Personnel records;
  - Information relating to pending litigation; and,
  - Any medical files that would constitute an unwanted invasion of privacy.

The following California PC sections state the name of a victim **may be withheld at the victim's request** or at the request of the victim's parent or guardian if the victim is a minor:

- 220 PC – Assault with Intent to Commit a Felony;
- 261 PC – Rape;
- 262 PC – Spousal/Marital Rape;
- 264.1 PC – Gang Rape (In Concert);
- 273(a) PC – Child Endangerment;
- 273(d) PC – Child Abuse;
- 273.5 PC – Corporal Injury to Spouse/Cohabitant;
- 286 PC – Sodomy;
- 288 PC – Lewd Acts with a Minor Child Under 14;
- 287 PC – Oral Copulation with a Minor;
- 289 PC – Forcible Sexual Penetration with a Foreign Object;
- 422.6 PC – Committing a Hate Crime;
- 422.75 PC – Hate Crime Enhancement; and,
- 646.9 PC – Stalking Laws of the Non-Releasable Information.

## **Chapter 2**

### **Media Access to Incidents**

#### **CRIME SCENE GUIDELINES**

The following are guidelines the IC, officers and supervisors on scene should take into consideration:

1. Do not establish artificial barriers. If the public has access, so does the media;
2. Do not isolate the media outside of the crime or incident scene unless the area has been secured to preserve evidence; or,
3. Do not prevent the taking of pictures or interviews of person(s) in public places. News reporters may photograph or report anything or interview anyone they observe when legally present at an emergency scene.

#### **MEDIA ACCESS AT INCIDENTS OR CRIME SCENES**

**Note:** *Incident/Crime Scenes and Command Posts may be closed to the media.*

Under most circumstances, the incident or crime scene and accompanying command post will be closed to the media. The purpose of such constraints is to protect the integrity of the investigation and to ensure a safe, coordinated, and unrestricted response by law enforcement and other emergency personnel.

Limitations to media access to incident or crime scenes are subject to review by the responsible Incident Commander (IC) and/or the appropriate Department command staff personnel. Those limitations should be lifted as soon as the situation allows.

Whenever the media is denied access to an incident or crime scene, Department personnel shall:

- Establish a “Media Staging Location,” where the most reasonable access is given under the circumstances determined by the IC; and,
- Assign a police supervisor at scene or a PIO, to provide timely and updated information to members of the media present, and via social media.

Consider “Pool” access (one TV camera, one TV reporter, one print reporter, one still photographer, and one radio reporter) at the incident. Pool reporters and photographers will share information with other media personnel at the scene.

## **MEDIA ACCESS AT DISASTER SCENES**

The LAPD may close disaster scenes to the public, but authorized media representatives shall not be prevented from entering the area at their own risk. As stated in the manual, the LAPD may close an area under authority of 409.5(a) PC when "... a menace to the public health or safety is created by a calamity such as a flood, storm, fire, earthquake, explosion, accident, or other disaster ..." However, as stated in 409.5(d) PC, "... Nothing in this section shall prevent a duly authorized representative of any news service from entering the area closed ..."

**Note:** Pursuant to 409.5(d)(2) PC (as amended by Assembly Bill 750) an authorized media representative cannot facilitate the entry of a person into or facilitate the transport of a person within an area closed due to a menace to the public safety or health, if that person is not also an authorized media representative, unless it is done for the safety of the person.

## **MEDIA ACCESS AT PUBLIC ASSEMBLIES**

As per **California Senate Bill 98**, if officers close the immediate area surrounding any emergency field command post or other area, police line, skirmish line, or other rolling closure at any demonstration, march, protest, rally, or where individuals are primarily engaged in any activity that is protected by the First Amendment to the United States Constitution or Article I of the California Constitution, the following requirements shall apply:

- A duly authorized representative of the media shall include any member of a news service, online news service, newspaper, radio, television station or network, and those persons may enter the closed area;
- Officers shall not intentionally assault, interfere with, or obstruct the duly authorized representative of the media who is gathering, receiving, or processing information for communication to the public;

**Note:** The Department may restrict access to a command post (i.e., the area where incident-specific information is being shared by public safety personnel, strategic decisions are being made, or deliberations are ongoing), or crime scenes for the purpose of the preservation of evidence, but MAY NOT restrict access to the area surrounding the command post. Members of the media have access to areas the public has access to.

- A duly authorized representative of the media who is in a closed area described above shall not be cited for failure to disperse, a violation of curfew, or other violation of paragraph (1) of subdivision (a) of California Penal Code Section 148, for gathering, receiving, or processing information; and,
- If a duly authorized representative of the media is detained, that member of the media shall be permitted to contact a Department supervisor immediately to challenge the detention, unless circumstances make it impossible to do so.



**Note:** Nothing precludes officers from enforcing other applicable laws if a member of the media is engaged in activity that is otherwise unlawful or is interfering with official law enforcement duties including, but not limited to, collecting evidence, and making arrests.

Consistent with Department Manual Section 3/579.15, Objectives of Body Worn Video, and Section 3/579.13, Digital In–Car Video System (DICVS) Use and Deployment, interactions with members of the media shall be captured on Body Worn Video and, if applicable, Digital In–Car Video.

## Chapter 3

### Media Credentials

#### NEWS MEDIA IDENTIFICATION CARDS (PRESS/MEDIA PASSES)

The Los Angeles Municipal Code authorizes the Board of Police Commissioners (BOPC) to issue news media identification cards, commonly referred to as “press/media passes.” That authority has been delegated by the BOPC to the Chief of Police. News media identification cards are valid for up to a one-year period.

Pursuant to Los Angeles Municipal Code Section 52.16, the exclusive purpose of a news media identification card shall be to enable the bearer “to pass through established police and fire lines in order to cover news events occurring behind such lines.” This does not apply to crime scenes.

To review the full text for the Los Angeles Municipal Code Sections 52.16(A) and (C), visit [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-135802](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-135802).

News media identification cards are simply a tool to easily recognize members of the media. The Department currently issues news media identification cards to assist with identification of duly authorized members of the media. The Department will honor media identification cards issued by another law enforcement agency. Freelance and independent media representatives without a news media identification card may lawfully cover an event that is open to the public.

If confronted with a situation where a person within the crowd identifies as a member of the media, officers should request a supervisor if they are unable to immediately identify the individual as an actual media representative. Department personnel should make every effort to determine whether the person has any evidence that they are gathering information for news, such as possessing a media station identification or business card. If a determination cannot be made, a PIO should be requested to assist.

**Note:** If a PIO is not assigned to an incident, PIOs are available off-hours and can be contacted via the Department Operations Center.

If an individual at a protest self-identifies as a member of the media but has been engaged in unlawful activity such as inciting violence or participating in the destruction of property, they can be detained or arrested for criminal behavior with or without a news media identification card.

If, during a large-scale detention or mass arrest event, an officer, supervisor, or PIO determines that an individual detained is a duly authorized member of the media that was not engaged in unlawful activity, other than failing to disperse after a dispersal order has been given, the individual should be immediately released and directed to a media staging location designated by the IC.

**Note:** If an IC or supervisor determines that an individual who identifies as a member of the media was engaged in unlawful activity, other than failing to disperse, the IC must ensure the arresting officers clearly articulate the individual's unlawful actions in the arrest report (e.g., how that individual was inciting violence or destroying property).

### **Access to Secure Police Facilities and Government Buildings**

The Department may allow members of the media who possess valid government-issued press/media credentials access to secure government buildings for the purpose of attending Department media events. Examples of government-issued media credentials include an LAPD, FBI, or LA County Sheriff's Department issued press/media pass. Other government issued press/media credentials will also be reviewed and honored upon verification. Any other form of identification, such as a media station identification or business card that identifies the bearer as an employee of a media outlet may be an acceptable alternative.

## Chapter 4

### Ride-Along Guidelines

It is common for members of the media to go to a law enforcement agency directly and ask for a ride-along. Consistent with Department Manual Section 4/280, Private Persons in Police Vehicles, *all requests to ride in police vehicles for the purposes of gathering information for use in feature articles* shall be referred to MRD. Members of the media and/or camera crews participating in a ride-along, must abide by the following list of guidelines:

1. All media and/or camera crews attending a ride-along shall have prior approval from the Commanding Officer of MRD. Each member of the media requesting to ride in a police vehicle shall sign a waiver releasing the City of Los Angeles and the LAPD from any liability during that ride-along. The MRD has waivers specifically for members of the media.
2. Members of the media and/or camera crews who are accompanying Department personnel are prohibited from accompanying officers into areas that are not accessible to the public. This includes areas where officers gain access due to their authority as peace officers, including, but not limited to, homes, backyards, ambulances, or any area where a reasonable expectation of privacy exists. Under no circumstances shall any member of the LAPD invite any member of the media onto the private property of another person for the purpose of filming activity taking place. Members of the media shall not accompany a member of the Department during the search of private property, with or without a search warrant.

**Note:** The Department does not allow members of the media and/or camera crews in any areas that are not accessible to the public without prior consent from the person whose reasonable expectation of privacy exists. There is no exception to this rule.

3. Any authorization from a private person who agrees to be taped or who grants access to a non-public area, is an agreement solely between said person and the member of the media and/or a camera crew. Department personnel shall not be involved in obtaining or upholding any such form of consent.

**Note:** Members of the media may follow officers onto private property when the officers have a legal right to be there, if members of the media have consent from the person(s) in lawful control of the private property, and their presence does not inhibit the officers' ability to affect their duties. Additionally, members of the media may observe officers' activities from an area where they have a legal right to be.

4. Authorized Department personnel shall conduct only tasks directly related to their normal law enforcement duties and shall not grant members of the media and/or camera crews any special treatment or access that exceeds what any other person is entitled to during a ride-along.
5. Authorized Department personnel shall not allow members of the media and/or camera crews to disrupt the normal course of their law enforcement duties and shall terminate the ride-along immediately upon any such disruption.
6. All persons approved for a ride-along shall ride in a police vehicle with a supervisor. Under no circumstances shall persons engaged in ride-along activities be permitted to follow in a “convoy” style in a private vehicle.
7. Under no circumstances shall any member of the LAPD assist any member of the media in obtaining waivers from persons being filmed; nor shall Department personnel mediate or otherwise act as an intermediary in obtaining such a waiver.
8. To ensure compliance with the provisions of the Lanterman–Petris–Short Act and Section 5328 of the Welfare and Institutions Code (WIC), Department personnel shall take all reasonable steps to protect the privacy of any person who they encounter that appears to have a mental disorder. This includes the evaluation, transportation, or detention of any person pursuant to the provisions of Section 5150 of the WIC.

## **Chapter 5**

### **Digital Media**

#### **LAPD ONLINE**

As part of the Department's commitment to public access of information, the Online Unit of the MRD is responsible for the maintenance of the LAPD Online website.

The website serves as a tool for the public to acquire information related to the Department's history, division codes, policies, sections, crime mapping and resources for crime prevention, job opportunities, as well as news media information.

The website, which receives an average of 20,000 views per day, also contains two avenues for communication between the Department and the public: the LAPD online e-mail account and E-Policing. E-Policing is a tool which facilitates direct communication between Senior Lead Officers (SLO) of various divisions and community members.

Community members who sign up for E-Policing receive crime information and safety tip e-mail updates from their Area SLO.

Police reports may also be filed online via the LAPD's Community Online Reporting Service (CORS) for various crimes including lost property, vandalism, harassing phone calls, theft—personal, theft from a vehicle, hit and run, illegal dumping, and hate crime/incidents. All CORS reports may be filed in English or Spanish. The CORS system is compliant with the Americans with Disability Act and follows the U.S. Federal standards as set forth in the Electronic and Information Technology Accessibility Standards (Section 508 of the Rehabilitation Act of 1973).

#### **SOCIAL MEDIA**

The Department provides the public with information through a large number of social media channels. The LAPD Headquarters, LAPD PIO, Join LAPD, the Chief of Police, each of the 21 Community Police Stations, the four Traffic Divisions, and several specialized divisions operate their own Facebook, X (formerly known as Twitter), and/or Instagram accounts.

The purpose of these social media channels is to provide the public with real-time information on matters of public safety and community interest. Each division posts their own content related to crime information, traffic alerts, community events, and other information that is relevant to the public in their area. The public and the media are encouraged to follow these accounts to stay informed on the latest from the LAPD.

You can access the various social media links and the Department's social media policy on the LAPD website at [http://lapdonline.org/social\\_media](http://lapdonline.org/social_media). The Department can provide social media best practices for groups or individuals when requested. Department employees who have questions and/or suggestions related to social media can contact Media Relations Division at (213) 486-5910.

## **LAPD TRADEMARK AND LICENSING**

The LAPD badge, uniform, motto (“to protect and to serve”), acronym (LAPD) and any other mark–design–motto–insignia that is readily identifiable and/or associated with the LAPD are trademarks of the City of Los Angeles. As a high–profile law enforcement agency, these marks are often portrayed in film, merchandise, and other entertainment media.

In 2006, the Department established the Entertainment and Trademark Unit (ETU). Per the Mayor’s directive to enhance filming in Los Angeles, ETU is the Department’s liaison with the entertainment industry. The ETU is responsible for coordinating with the Intellectual Property Law Unit within the City Attorney’s Office in order to facilitate the proper use of the LAPD trademark as well as filming access and location agreements.

The ETU is responsible for coordinating the Department’s participation in entertainment-based projects such as documentaries, filming on LAPD property, and research requests.

There is a monetary cost to licensing the trademark and securing film locations at Department sites. Information on applying for a trademark license or access agreement can be found on the website at <http://lapdonline.org>.

## **APPENDIX**

### **LOS ANGELES POLICE DEPARTMENT**

#### **PREAMBLE:**

The Los Angeles Police Department is committed to serving the community while protecting the rights of all persons. Consistent with this commitment, the Department's Vision, Mission, and Core Values, in concert with the Law Enforcement Code of Ethics and the Department's Management Principles, reflect the guiding philosophy of the Los Angeles Police Department.

#### **VISION:**

It is the vision of the Los Angeles Police Department to, as closely as possible, achieve a City free from crime and public disorder.

#### **MISSION:**

It is the mission of the Los Angeles Police Department to safeguard the lives and property of the people we serve, to reduce the incidence and fear of crime, and to enhance public safety while working with the diverse communities to improve their quality of life. Our mandate is to do so with honor and integrity, while at all times conducting ourselves with the highest ethical standards to maintain public confidence.

#### **CORE VALUES:**

##### **SERVICE TO OUR COMMUNITIES**

We are dedicated to enhancing public safety and reducing the fear and the incidence of crime. People in our communities are our most important customers. Our motto "To Protect and to Serve" is not just a slogan – it is our way of life. We will work in partnership with the people in our communities and do our best, within the law, to solve community problems that affect public safety. We value the great diversity of people in both our residential and business communities and serve all with equal dedication.

##### **REVERENCE FOR THE LAW**

We have been given the honor and privilege of enforcing the law. We must always exercise integrity in the use of the power and authority that have been given to us by the people. Our personal and professional behavior should be a model for all to follow. We will obey and support the letter and the spirit of the Law.



## **COMMITMENT TO LEADERSHIP**

We believe the Los Angeles Police Department should be a leader in Law Enforcement. We also believe that each individual needs to be a leader in his or her area of responsibility. Making sure that our values become part of our day-to-day work life is our mandate. We must each work to ensure that our co-workers, our professional colleagues and our communities have the highest respect for the Los Angeles Police Department.

## **INTEGRITY IN ALL WE SAY AND DO**

Integrity is our standard. We are proud of our profession and will conduct ourselves in a manner that merits the respect of all people. We will demonstrate honest, ethical behavior in all our interactions. Our actions will match our words. We must have the courage to stand up for our beliefs and do what is right. Throughout the ranks, the Los Angeles Police Department has a long history of integrity and freedom from corruption. Upholding this proud tradition is a challenge we must all continue to meet.

## **RESPECT FOR PEOPLE**

Working with the Los Angeles Police Department should be challenging and rewarding. Our people are our most important resource. We can best serve the many and varied needs of our communities by empowering our employees to fulfill their responsibilities with knowledge, authority, and appropriate discretion. We encourage our people to submit ideas, we listen to their suggestions, and we help them develop to their maximum potential. We believe in treating all people with respect and dignity. We show concern and empathy for the victims of crime and treat violators of the law with fairness and dignity. By demonstrating respect for others, we will earn respect for the Los Angeles Police Department.

## **QUALITY THROUGH CONTINUOUS IMPROVEMENT**

We will strive to achieve the highest level of quality in all aspects of our work. We can never be satisfied with the “status quo.” We must aim for continuous improvement in serving the people in our communities. We value innovation and support creativity. We realize that constant change is a way of life in a dynamic city like Los Angeles, and we dedicate ourselves to proactively seeking new and better ways to serve.

## **APPLICABLE LAPD MANUAL SECTIONS**

The following LAPD Manual Sections apply to the police working with members of the media.

### **VOLUME 1**

- **420.10 ROLE OF THE NEWS MEDIA.**
- **420.20 ROLE OF THE DEPARTMENT.**
- **420.30 DEPARTMENT PUBLIC INFORMATION OFFICER.**
- **420.40 RESPONSIBILITY FOR THE RELEASE OF INFORMATION.**
- **420.50 SCOPE AND CONTENT OF THE RELEASE OF INFORMATION.**
- **420.55 CRITICAL INCIDENT VIDEO RELEASE POLICY.**
- **420.60 NEWS MEDIA IDENTIFICATION CARDS.**
- **420.70 NEWS REPORTERS ENTERING AN AREA CLOSED PURSUANT TO STATUTE.**
- **420.75 ALLOWING NEWS REPORTERS TO ENTER AREA OF A SERIOUS POLICE INCIDENT OR CRIME SCENE.**
- **420.80 WHERE A NEWS REPORTER IS NOT AUTHORIZED.**
- **420.85 NEWS MEDIA NOT EXEMPT FROM LAWS.**
- **420.90 REQUESTING WITHHOLDING OF PUBLICATION.**
- **420.95 SEARCH OF NEWS MEDIA FACILITIES.**
- **440.10 REQUESTS FOR INFORMATION.**
- **440.20 PERMISSION FOR USE OF DEPARTMENT FACILITIES.**
- **440.30 COOPERATION FOR FEATURE ARTICLES OR PROGRAMS.**
- **440.40 RESPONSIBILITY OF OFFICERS TO SUPPLY INFORMATION.**
- **440.50 PUBLIC INFORMATION PROGRAMS AND EDUCATION.**
- **440.60 TOURS OF POLICE FACILITIES.**

**Note:** The LAPD Manual is modified as legislative law changes.

To review the full text for the LAPD Manual Sections please visit:

<https://www.lapdonline.org/lapd-manual/>.

## LEGAL CONSIDERATIONS

### AL CRESPO v CITY OF LOS ANGELES, FEDERAL CASE NO. CV 00-08869

These mandates originate from a binding settlement agreement arising out of the 2000 Democratic National Convention, and include the following:

Under the rights guaranteed by the First Amendment to the United States Constitution, it is not uncommon for large numbers of people to assemble for the purpose of demonstrating their opinions. At such demonstrations, it is the Police Department's obligation to protect individuals' First Amendment rights, maintain order, and protect lives and property. Occasionally, demonstrations become unlawful. In such circumstances, pursuant to California Penal Code Sections 407 and 409, an assembly may be declared unlawful, and all persons present, including members of the news media, may be lawfully ordered to disperse.

**Note:** Effective January 1, 2022, CA Senate Bill 98 added Penal Code 409.7 which amended the law in regard to media access at public assemblies.

The law provides that police officers may use reasonable force to disperse an unlawful assembly and to effect the arrest of violators. The Department's Use of Force Policy applies to such actions. The Department's policies concerning interaction with the news media are described in the relevant provision in Volume One of the Department Manual, the Department's Emergency Operations Guide, and the Department's Media Guide.

1. The Department recognizes that the news media has the right, without interfering with police operations, to cover events that may result in the declaration of an unlawful assembly and order to disperse. To the extent reasonably possible under the circumstances, the LAPD will make efforts to accommodate this reporting obligation. However, such efforts will be made consistent with the LAPD's primary obligation to maintain public safety and order.
2. Except for spontaneously occurring events, whenever the LAPD develops an operations plan for an event the Department is aware will involve a public assembly, the Department will, where practicable, designate an area outside of the anticipated impacted area, but within reasonable viewing distance and audible range of the event, in which members of the media may assemble. To the extent reasonably possible under the circumstances, the Department will try to prevent the media staging location from becoming part of any area impacted by an unlawful assembly declaration and order to disperse. However, the decision to assume the risk of danger involved in covering a public event remains with the individual news reporter making such decision, provided that any such decision does not constitute a waiver by a reporter of any constitutional or other legal rights.
3. The selection of the media staging location will take into consideration public and officer safety, police tactics, input provided by members of the media, if any, and the ability of the LAPD to prevent the location from becoming part of the impacted area. The final selection of the media staging location will be made by the IC in charge of the event.

4. To the extent reasonably possible without compromising public or officer safety or police tactics, the IC will relocate the media staging location if, due to changing conditions, the initial area no longer affords members of the media a reasonable view of the event.
5. Pursuant to Volume 2 of the LAPD Emergency Operations Guide, the LAPD IC will designate a PIO or Information Officer as part of the Incident Command System in order to facilitate interaction with members of the media. The PIO or Information Officer will be clearly identified at the scene.

## **CALIFORNIA PUBLIC RECORDS ACT REQUESTS**

The California Public Records Act (CPRA), Government Code Sections 7920–7931, established the right of the public to access public records. Department records are subject to public disclosure unless a specific legal exemption exists. Members of the media and the public may submit a CPRA request for information by visiting the home page and typing CPRA in the search window ([https://www.lapdonline.org/i\\_want\\_to\\_know/content\\_basic\\_view/36329](https://www.lapdonline.org/i_want_to_know/content_basic_view/36329)).

The 10–day period mentioned in the act is not a legal deadline for producing records. The 10 days allows the agency to review records, if it is not clear that they are public records. As soon as a determination is made, it will be at that time the records shall be released.

The rights under the CPRA provide for the inspection of public records or to obtain copies of identifiable records. It does not compel the agency to create lists or reports in response to the request. Agencies may charge for the "direct costs" for providing copies of an identifiable record.

## **APPLICABLE LOS ANGELES MUNICIPAL CODES**

### **Los Angeles Municipal Code Sections 52.16(A) and (C)**

Visit [https://codelibrary.amlegal.com/codes/los\\_angeles/latest/lamc/0-0-0-135802](https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-135802).

## **APPLICABLE SENATE AND ASSEMBLY BILLS**

### **SENATE BILL 98**

#### **SB 98 Public Peace: Media Access**

Existing law makes every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined, in the discharge or attempt to discharge any duty of the office or employment, when no other punishment is prescribed, guilty of a misdemeanor. Existing law also authorizes specified peace officers to close an area where a menace to the public health or safety is created by a calamity and to close the immediate area surrounding any emergency field command post or other command post activated for the purpose of abating a calamity, riot, or other civil disturbance, as specified. Existing law makes any unauthorized person who willfully and knowingly enters those areas and who remains in the area after receiving notice to evacuate or leave guilty of a misdemeanor. Existing law exempts a duly authorized representative of any news service, newspaper, or radio or television station or network from the provisions prohibiting entry into the closed areas, as specified.

This bill would, if peace officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity, as described, require that a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network, as described, be allowed to enter those closed areas and would prohibit a peace officer or other law enforcement officer from intentionally assaulting, interfering with, or obstructing a duly authorized representative who is gathering, receiving, or processing information for communication to the public. The bill would also prohibit a duly authorized representative who is in a closed area and gathering, receiving, or processing information from being cited for the failure to disperse, a violation of a curfew, or a violation of other, specified law. The bill would require that if a representative is detained by a peace officer or other law enforcement officer, the representative be permitted to contact a supervisory officer immediately for the purpose of challenging the detention. The bill would not impose criminal liability. The bill would state the Legislature's intention to achieve parity in the access and protections in these circumstances as those established pursuant to a specified law.

**SECTION 1.** It is the intent of the Legislature that this act achieve parity in the access and protections for journalists and news media as those established pursuant to Section 409.5 of the Penal Code.

SEC. 2. Section 409.7 is added to the Penal Code, to read:

**409.7 (a)** If peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in activity that is protected pursuant to the First Amendment to the United States Constitution or Article I of the California Constitution, the following requirements shall apply:

- (1) A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network may enter the closed areas described in this section.
- (2) A peace officer or other law enforcement officer shall not intentionally assault, interfere with, or obstruct the duly authorized representative of any news service, online news service, newspaper, or radio or television station or network who is gathering, receiving, or processing information for communication to the public.
- (3) A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network that is in a closed area described in this section shall not be cited for the failure to disperse, a violation of a curfew, or a violation of paragraph (1) of subdivision (a) of Section 148, for gathering, receiving, or processing information. If the duly authorized representative is detained by a peace officer or other law enforcement officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so.

(b) This section does not prevent a law enforcement officer from enforcing other applicable laws if the person is engaged in activity that is unlawful.

(c) This section does not impose, and shall not be used as the basis for, criminal liability.

## **SENATE BILL 978**

### **SB 978 Law Enforcement Agencies: Public Records.**

Existing law establishes within the Department of Justice the Commission on Peace Officer Standards and Training and requires the commission to adopt rules establishing minimum standards regarding the recruitment and training of peace officers.

Existing law, the CPRA, generally requires each state and local agency to make its public records available for inspection by a member of the public, unless the public record is specifically exempted from disclosure.

The act further requires every state and local agency to duplicate disclosable public records, either on paper or in an electronic format, if so requested by a member of the public and he or she has paid certain costs of the duplication.

This bill, commenced January 1, 2020, requires the Commission on Peace Officer Standards and Training and each local law enforcement agency to conspicuously post on their Internet Web

sites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act. By imposing this requirement on local law enforcement agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

## **SENATE BILL 1421**

### **SB 1421 Peace Officers: Release of Records.**

Effective January 1, 2019, Senate Bill 1421 (SB 1421) amended Penal Code Section 832.7 which generally made all peace officer personnel records and information confidential and exempt from disclosure, except by motion in a criminal, civil, or administrative action. The SB 1421 created exceptions from those general confidentiality requirements for the following categories of peace officer personnel and police investigatory records:

(A) Records relating to the report, investigation, or findings of:

- (i) an incident regarding an officer-involved shooting; or,
- (ii) an incident involving the use of force by an officer resulting in death or great bodily injury.

(B) Records relating to an incident involving a sustained finding of sexual assault by an officer involving a member of the public; and,

(C) Records relating to an incident involving a sustained finding of dishonesty by an officer directly related to the reporting, investigation, or prosecution of a crime or an investigation of misconduct by another officer.

**Pen. Code § 832.7(b)(1)(A)–(C).** These records are now available for public inspection and/or copying pursuant to the California Public Records Act (Cal. Govt. Code section 6250, et seq., or the “CPRA”).

The website LAPDOnline.org contains documents disclosable under SB 1421 that the Los Angeles Police Department has released through the City of Los Angeles’ online public records request portal (Next Request). The Department will continue to upload records disclosed pursuant to the CPRA and SB 1421, along with audio/video redaction cost estimates (if available).

## **ASSEMBLY BILL 748**

### **AB 748 Peace Officers: Video and Audio Recordings: Disclosure.**

Existing law, the CPRA, requires that public records, as defined, be available to the public for inspection and made promptly available to any person. Existing law makes records of investigations conducted by any state or local police agency exempt from these requirements.



Existing law requires specified information regarding the investigation of crimes to be disclosed to the public unless disclosure would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation.

This bill, notwithstanding the above provisions, commenced July 1, 2019, allows for a video or audio recording that relates to a critical incident, as defined, to be withheld for 45 calendar days if disclosure would substantially interfere with an active investigation, subject to extensions, as specified.

The bill allows the recording to be withheld if the public interest in withholding video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, in which case the bill would allow the recording to be redacted to protect that interest.

If the agency demonstrates the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction, the bill requires that the recording be promptly disclosed to a subject of the recording, his or her parent, guardian, or representative, as applicable, or his or her heir, beneficiary, immediate family member, or authorized legal representative, if deceased.

#### **ASSEMBLY BILL 750**

##### **AB 750 Menace to Public Health: Closure by Law Enforcement**

On June 29, 2023, California Assembly Bill 750 (AB 750), Menace to Public Health: Closure by Law Enforcement, was enacted into law.

AB 750 was introduced in response to reports of media personnel transporting non-authorized persons into closed areas. AB 750 amends Penal Code Section 409.5 to prohibit a duly authorized representative of a news service, newspaper, radio station, television station, or network from facilitating the entry of a non-duly authorized person or transportation of that person within an area closed by law enforcement due to a menace to public safety or health, unless it is done for the safety of such person.

#### **ASSEMBLY BILL 1475**

##### **AB 1475 Law Enforcement: Social Media**

Existing law requires law enforcement agencies, departments, or entities to consider specified best practices regarding the downloading and storage of body-worn camera data, including prohibiting agency personnel from uploading recorded data onto public and social media internet websites, when establishing policies and procedures for the implementation and operation of a body-worn camera system.

This bill would prohibit a police department or sheriff's office from sharing, on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime, as defined, unless specified circumstances exist.



The bill would require a police department or sheriff's office that shares, on social media, a booking photo of an individual arrested for the suspected commission of a nonviolent crime to remove the information from its social media page, upon request, unless the same specified circumstances exist.

The bill would require a police department or sheriff's office to remove the booking photo of a person who has committed any other crime from social media if the individual's record has been sealed, the individual's conviction has been dismissed, expunged, pardoned, or eradicated pursuant to law, the individual has been issued a certificate of rehabilitation, the individual is found not guilty of committing the crime for which they were arrested, or the individual was ultimately not charged with the crime or the charges were dismissed.

More information on Senate or Assembly bills visit: <https://leginfo.legislature.ca.gov>.

## **COMMONLY USED MEDIA TERMS**

### **Sound Bite / “give sound”**

- An interview which can be on camera or via phone.

### **Media Staging Location/Area**

- Predetermined, designated media gathering/viewing area for static demonstrations and/or assemblies. See also: Media Staging location/area.

### **B-roll**

- Background video may be used during a voiceover or narration.

### **Stringer**

- A news correspondent not on the regular staff of a newspaper or tv station, especially one retained on a part-time basis to report on events in a place.

### **Visuals**

- Can describe posters, pictures, evidence.

### **Mult-box**

- A microphone plug-in mixer used to combine the main microphone into 1 output location.

### **Mic flag**

- Station or news outlet identifier which is wrapped around a reporter’s microphone.

### **Pool camera**

- A designated camera that will share footage with other news outlets.

### **Mug Shot**

- Also known as a booking photo.

### **News Advisory**

- Invitation to the media for a news conference or other event (i.e., Open house, toy give-away, DUI checkpoint).

### **News Release**

- Information or event summary that is released to the media.

## **OIS**

- Officer–Involved Shooting.

## **Media Availability**

- A less formal media press conference that allows media the opportunity to ask questions of the LAPD participant.

## **White Balance**

- Used by photographers and camera persons to focus and color balance their camera's brightness and contrast.

## **Sound Check**

- Verification the microphones are operational and audio levels are optimal prior to recording.

## STATEMENT TEMPLATE

- Begin by introducing yourself. Include your rank, assignment and spell your name.  
  
“This is an evolving [situation, incident, event], and I have preliminary information to share. As more detail and additional facts become available, I will update you. Right now, what I can tell you is....”
- At approximately [time], a [brief description of what happened].
- The situation is [fluid, active, under] control. We are working with [local, state, federal] partners to [investigate, resolve, determine how this happened].
- We have a [system, plan, procedure, operation] in place. We are being assisted by [local public health officials, emergency response officials] as part of that plan.
- At this point, we do not know [how long the scene will stay active, shelters will stay open, etc.].
- We will continue to gather information and release it to you as soon as possible. I will be back to you within [amount of time in minutes or hours] to give you an update. As soon as we have confirmed releasable information, it will be provided.
- We ask for your patience as we respond to this [situation, incident, event].”

**Note:** This template is a guide, and it is not all encompassing. Every situation is distinct, and statements made by the Department related to an incident will be based on available information.

For any questions or advice, MRD can be contacted during business hours at (213) 486–5910 and off–hours through the Department Operations Center.



## **EXHIBIT B**

Jen and Chief - Just want to say a thank you to your teams last night in the height of the mess treating us fairly and professionally as things were unfolding. Same all week. I know we can be a pain in the booty to your field teams but they have been fair. And once things calmed down they were all smiles. Anyway thank you for keeping us safe and not hitting us with less lethal. Happy Father's Day to the fathers out there.



# KCAL 9 News Segment

VIDEO SUBMITTED SEPARATELY

**EXHIBIT C**



HYDEE FELDSTEIN SOTO, City Attorney  
DENISE C. MILLS, Chief Deputy City Attorney (SBN 191992)  
KATHLEEN KENEALY, Chief Assistant City Attorney (SBN 212289)  
CORY M. BRENT, Senior Assistant City Attorney (SBN 115453)  
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Attorneys for Defendants CITY OF LOS ANGELES and  
POLICE CHIEF JIM MCDONNELL

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

LOS ANGELES PRESS CLUB,  
STATUS COUP,

Plaintiffs,

vs.

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

Defendants.

CASE NO. 25-CV-05423 HDV-E

DECLARATION OF OFFICER BRYAN  
DAMEWORTH IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION

1 I, BRYAN DAMEWORTH, declare:

2 1. I am employed by the City of Los Angeles as a Police Officer III with the  
3 Los Angeles Police Department (“LAPD”). I have been employed by LAPD since 2001.  
4 I am assigned to LAPD’s Metropolitan Division (“Metro”) and have been with Metro for  
5 18 years. Metro is a specialized section of LAPD that handles high-risk tactical  
6 operations, such as natural disasters, crowd control, spikes in violent crime, and dignitary  
7 protection. I understand that Plaintiffs Los Angeles Press Club and Status Coup  
8 (“Plaintiffs”) contend that LAPD “deliberately targeted” journalists who were covering  
9 the civil unrest in June 2025 related to the federal government’s immigration enforcement  
10 actions. I further understand that Plaintiffs are seeking a preliminary injunction enjoining  
11 LAPD from prohibiting a journalist from entering or remaining in closed areas, and from  
12 interfering with or obstructing journalists from newsgathering. I submit this declaration  
13 in opposition to Plaintiffs’ motion for preliminary injunction. If called to testify, I could  
14 and would competently do so of my own personal knowledge.

15 2. I have received comprehensive training on crowd management and  
16 responding effectively to complex incidents, including courses on crowd control, how to  
17 properly exercise command and control over incidents, the proper use of less-lethal  
18 munitions, and the proper use of chemical agents.

19 3. I understand that under Penal Code section 409.7, a “duly authorized  
20 representative” of the press “may enter closed areas” during a “demonstration, march,  
21 protest, or rally.”

22 4. On Sunday, June 8, 2025, at approximately 2:30 p.m., Metro officers were  
23 deployed near the intersection of Alameda Street and Aliso Street to clear the area.  
24 Protestors were impeding traffic, interfering with public transportation, and defacing  
25 public and private property. When I arrived at the scene, I saw protestors (and the press)  
26 standing in the lanes of Alameda Street, a major artery, blocking traffic and access to the  
27 101 freeway. I also saw protestors standing in restricted areas near the tracks of the  
28 Metro Rail making it very difficult for the trains to safely run. Protestors also vandalized

1 cars parked along the street as well as government buildings.

2 5. Soon after my arrival, I ordered protestors and the press to get off the street  
3 and onto the sidewalk. My colleagues formed a skirmish line on Alameda Street facing  
4 southbound and attempted to push the crowd toward Temple Street.<sup>1</sup> Three black Chevy  
5 Suburbans, which we call “subs,” were behind us. Drivers remain in the subs the entire  
6 time we are deployed and the subs move forward with the skirmish line. The subs are  
7 emergency response vehicles equipped with forward facing red and blue lights. The subs  
8 not only transport us to a specific location, but they carry our equipment, including  
9 flexcuffs, first aid kits, water, and LLM rounds. The subs also serve as emergency  
10 transportation if someone needs medical attention and a rescue ambulance cannot gain  
11 access to the area because of the crowd, or if we need to escape a dangerous situation.  
12 The subs also provide protection from an active shooter or if a car drives through the  
13 skirmish line. Because of this, Metro officers generally want the press to remain behind  
14 the subs, rather than simply behind the skirmish line. Subs cannot move forward with the  
15 skirmish line if the press impedes their ability to do so, nor can they serve as emergency  
16 response vehicles if they are surrounded by press.

17 6. I served as a “linebacker” for the skirmish line, which means that I moved  
18 behind the line assessing its integrity, retrieving equipment from the subs, and warning  
19 officers of threats, such as projectiles or incendiary devices being hurled at us. In order  
20 to effectively do my job, I need to be able to move freely behind the skirmish line and  
21 have ready access to the subs.

22 7. Throughout the afternoon of June 8, 2025, the press repeatedly interfered  
23 with my ability to move freely behind the skirmish line and readily access equipment  
24 from the subs. The press stood in the street preventing the subs from getting closer to the  
25 skirmish line. As a result, I had to walk farther and farther to retrieve equipment from the  
26

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27 <sup>1</sup> A skirmish line is a line of officers standing about three to five feet apart that controls  
28 the movement of a crowd.

1 subs because the press prevented the subs from advancing forward.

2 8. The press was not searched for contraband, nor were they subjected to any  
3 vetting process when being allowed behind our skirmish line. Inevitably, someone with  
4 false credentials or a desire to interfere with official law enforcement duties could get  
5 behind the skirmish line. I do not want the press to surround, encircle, or touch me or my  
6 colleagues. I do not want the press to take equipment from the subs. In order for the  
7 subs to serve their function as emergency response vehicles, they must have clearance for  
8 egress and ingress. It is important, therefore, for the press to not get too physically close  
9 to me, my colleagues, or the subs.

10 9. Attached as Exhibit C is a true and correct approximately three and half  
11 minute excerpt from my body worn video from June 8, 2025 (BWV from 15:04:22-  
12 15:07:48). This short excerpt demonstrates the extent of the press' interference with  
13 official law enforcement duties. At 15:04:22, I tell multiple members of the press to step  
14 away from the subs and get behind them. At 15:04:54, a sub cannot move forward  
15 because of the amount of press standing in front of it. At 15:06:07, two members of the  
16 press were standing right next to a sub. At 15:06:23, I again tell the press to get behind  
17 the subs, so that the subs can move forward and get closer to the skirmish line. At  
18 15:06:43, a member of the press, who I later learned was Matt Gutman, refused to get  
19 behind the subs with his crew. I asked him to get back "100 feet" because that was the  
20 approximate distance from the skirmish line to the back of the subs. During my brief  
21 conversation with Mr. Gutman, my back was to the skirmish line, which means that I was  
22 distracted from performing my duties as a linebacker for the skirmish line. At 15:07:07, I  
23 approached a member of the press, who I later learned was Constanza Mercado. I told  
24 Ms. Mercado that I would put her in handcuffs if she did not get behind the subs and she  
25 responded "I'm press!" She claimed that she was not informed that she needed to get  
26 behind the subs, even though I had repeatedly told the press that very thing throughout  
27 the afternoon. In any event, she changed course and walked northbound in the direction  
28 of the subs. At 15:07:20, I again tell a group of press to get behind the subs. At

1 15:07:23, I realized that a non-journalist was within the group and I escorted him through  
2 the skirmish line. At 15:07:20, I again tell the press to get behind the subs.

3 10. While the press are allowed to have access to closed areas under Penal Code  
4 section 409.7, the behavior of the press on June 8 imposed an entirely new task upon  
5 Metro officers. In addition to controlling a crowd that is throwing projectiles and  
6 incendiary devices at officers and committing other crimes like defacing government  
7 buildings, officers must monitor the press, stretching scarce police resources and further  
8 endangering everyone.

9 I declare under penalty of perjury under the laws of the United States of America  
10 that the foregoing is true and correct. Executed this 15<sup>TH</sup> day of August, 2025, in Los  
11 Angeles, California.

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13 Officer Bryan Dameworth  
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BODY WORN VIDEO

Submitted Separately

**Exhibit C**

HYDEE FELDSTEIN SOTO, City Attorney  
DENISE C. MILLS, Chief Deputy City Attorney (SBN 191992)  
KATHLEEN KENEALY, Chief Assistant City Attorney (SBN 212289)  
CORY M. BRENT, Senior Assistant City Attorney (SBN 115453)  
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Attorneys for Defendants

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

LOS ANGELES PRESS CLUB,  
STATUS COUP,  
  
Plaintiffs,

vs.

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

**CASE NO. 25-CV-05423 HDV-E**  
**DECLARATION OF SERGIO**  
**MORENO IN SUPPORT OF**  
**DEFENDANTS' OPPOSITION TO**  
**PLAINTIFFS' MOTION FOR**  
**PRELIMINARY INJUNCTION**

**DECLARATION OF SERGIO MORENO**

1  
2 1. I am employed by the City of Los Angeles where I serve as a Police Officer  
3 with the Los Angeles Police Department (“LAPD”). I have been employed with LAPD  
4 since December 2008. I am over the age of 18 years, have personal knowledge of the  
5 facts contained herein, and make the following factual statements based on that personal  
6 knowledge and my review of documents related to this matter. If called to testify, I could  
7 and would do so competently.

8 2. On June 19, 2025, I was on patrol with my partner, Officer Hugo Virrueta,  
9 in a marked black and white police vehicle working Foothill Division Patrol when we  
10 received a radio call requesting backup at 13502 Paxton Street, Pacoima, California. I  
11 was outfitted with Body Worn Video (“BWV”), and I activated my BWV while on route  
12 to 13502 Paxton Street, and my BWV remained active and recording throughout the  
13 entire incident described below, including until I arrived at the Foothill Division station at  
14 12760 Osborne Street, Pacoima, California. A true and correct copy of my BWV from  
15 the incident is attached hereto as Exhibit “A.”

16 3. Upon arriving at 13502 Paxton Street, a shopping center with a Lowes  
17 hardware store and a number of other smaller businesses, my partner parked our vehicle  
18 on Paxton Street and we both exited the vehicle and walked to an entrance/exit to the  
19 parking lot.

20 4. As I walked to the parking lot entrance/exit, I observed a crowd of  
21 individuals surrounding a number of U.S. Immigrations and Customs Enforcement  
22 (“ICE”) agents and the agents’ vehicles near the entrance/exit of the parking lot.

23 5. I approached the ICE agents and they informed me that they were trying to  
24 exit the parking lot, but that their exit was blocked by a vehicle that belonged to a suspect  
25 the ICE agents had taken into custody.

26 6. I directed a fellow LAPD officer to move the vehicle blocking the parking  
27 lot exit so the ICE agents could depart the area.  
28



1           7.     As my fellow officer was moving the suspect's vehicle and the ICE agents  
2 were attempting to enter their vehicles to depart the area, the crowd of individuals began  
3 to swarm around me, my fellow officers, the ICE agents, and the ICE agents' vehicles.  
4 This can be seen starting around 5:50 on Exhibit A.

5           8.     The crowd was shouting and jostling numerous officers and agents,  
6 effectively preventing the ICE agents from getting into their vehicles and departing the  
7 area.

8           9.     As the ICE agents made their way through the crowd and continued their  
9 efforts to enter their vehicles, a male wearing a black T-shirt, black pants and grey shoes,  
10 who I later identified as Anthony Orendorff, kicked the rear light on the passenger side of  
11 one of the ICE agent's vehicles. This is shown around 7:20 on Exhibit A.

12          10.    I instructed Orendorff to back off, and I informed him that he would be  
13 arrested if he caused damage to the vehicle.

14          11.    In response to my instruction and warning, Orendorff aggressively closed  
15 the distance between us, stood about six inches from my face, proceeded to yell and  
16 scream at me, and raised his mobile phone to my face which effectively blocked my view  
17 of him and the crowd around him.

18          12.    I gave Orendorff multiple warnings to back away, and pushed his arm away  
19 from my face, but instead of complying, Orendorff again got in my face, screamed at me,  
20 and pushed into my chest. This can be seen around 7:49 on Exhibit A.

21          13.    When I extended my arms to grab him, he threw a punch toward me and hit  
22 my right forearm.

23          14.    In response to Orendorff's punch, I attempted to arrest him for violating  
24 243(b) PC, Battery of a Police Officer, but Orendorff resisted, pushed away my arms,  
25 spun around, and attempted to flee. This can be seen around 7:52 on Exhibit A.

26          15.    Orendorff did not have any credentials suggesting he was a journalist, and I  
27 observed him actively protesting the ICE agents' activities when I arrived, including  
28

1 when he kicked the ICE agents' vehicle and in his interactions with me and other officers.

2 16. A true and correct copy of the Arrest Report I prepared after the incident  
3 described above is attached as Exhibit "B" hereto.

4 17. I understand Orendorff states he was "documenting the operation when he  
5 was seized by the LAPD." As stated above, Orendorff was arrested for violating Penal  
6 Code 243(B) and not for "documenting" or any other journalistic action.

7  
8 I declare under penalty of perjury under the laws of the United States of America  
9 that the foregoing is true and correct. Executed this 8 day of August, 2025, in Los  
10 Angeles, California.

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**BODY WORN VIDEO ("BWV")  
submitted separately**

**EXHIBIT A**

## **EXHIBIT B**

BOOKING NO. 703755	U.O. 500	LOC.BKD. 120	DRIVER'S LIC. NO. 5423-HDV-F	STATE CA	MT 2
Case 2:25-cv-05423-HDV-F Document 69-72 Filed 08/18/25 Page 2 of 3 Page ID #2126					
ARRESTEE'S LAST NAME FIRST MIDDLE ORENDORFF ANTHONY					
ADDRESS 18319 HART ST					
CITY RESEDA 91335 STATE CA					
SEX M	DESCENT H	HAIR BLA	EYES BRO	HEIGHT 5' 8"	WEIGHT 150
BIRTHDATE 10/25/1990		AGE 34			
VEH LIC. NO.		STATE	R.D.	AKA: LAST, FIRST OR NICKNAME	
BIRTHPLACE (CITY/COUNTY/STATE/COUNTRY) BEVERLY HILLS CA USA		PROB. INV. UNIT 16	JUV DETAINED AT	AD. CHG 1	
DIVISION FOOTHILL DIV		DETAIL ARRESTING 16A37	DATE ARRESTED 06/19/2025	TIME ARR. 10:40	TIME BKD. 13:19
LOCATION OF ARREST 13502 PAXTON ST			BAIL \$ 0.00		
			TOTAL BAIL \$ 0.00		
TYP M	CHARGE & CODE 243(B)PC - M - BATTERY ON PO/EMERGENCY PERSONNEL W/O INJ		DEFINITION WARRANT		
ADDITIONAL CHARGES (ON ADDL. WARRS. LIST NO., COURT, AND BAIL, INCL. P.A.) N/A					
ARRAIGN. DATE	TIME	COURT	LOCATION CRIME COMMITTED 13502 PAXTON ST PAC CA 91331		R.D. 1612
EMPLOYER / SCHOOL					
OCCUPATION/ GRADE			PHY. ODD.		
CLOTHING WORN BLKSHRT.BLPNTS.GRYSHS			EXACT LOCATION / DISPOSITION ARRESTEES VEHICLE		HOLD FOR
LIST CONNECTING RPTS. BY TYPE & IDENTIFYING NOS.			VEHICLE USED (YEAR, MAKE, MODEL, TYPE, COLOR, LIC. NO. ID MARKS)		PASSENGERS M <input type="checkbox"/> F <input type="checkbox"/>
COMPLAINTS / EVID. OF ILLNESS / INJ-BY WHOM TREATED SEE NARRATIVE			DRIVING VEH. (DIR & NAME OF STREET) AT OR BETWEEN STREETS SEE NARRATIVE		RETAINED \$ DEPOSITED \$ 0
INVOLVED PERSONS Code: V: VICTIM W: WITNESS P/A: ARRESTING PRIVATE PERS. TO: TRUE OWNER R: PERSON RPTG. 459: S - PERSON SECURING D - PERSON DISCOVERING JUV: P - BOTH PARENTS G - GUARDIAN					
V1	NAME MORENO, OFFICER	SEX M	DESCENT H	D.O.B.	ADDRESS R:
	DRIVER LICENSE NO. (IF NONE, LIST OTHER ID & NO.)		B:		
			E-MAIL ADDRESS		CELL PHONE
	DRIVER LICENSE NO. (IF NONE, LIST OTHER ID & NO.)		B:		
			E-MAIL ADDRESS		CELL PHONE
	DRIVER LICENSE NO. (IF NONE, LIST OTHER ID & NO.)		B:		
			E-MAIL ADDRESS		CELL PHONE
COMBINED CRIME REPORT		IF MULTI ARRESTEES THIS SECTION & ABOVE CRIME RPT. CHECK BOX IS COMPLETED ON ONLY ONE FACE SHEET		TYPE OFFENSE 243(C)(2) - PC - M - BATTERY AGAINST POLICE OFFICER - SIMPLE - 13B	
DATE AND TIME CRIME OCCURRED 6/19/2025 10:40:00 AM		TYPE PROPERTY		TOTAL \$	EST. DAMAGE \$
459 / BFV ONLY-POINT AND METHOD OF ENTRY		WEAPON / FORCE / INSTRUMENT USED NONE		TFV / BFV ONLY-VICT'S VEH. (YR, MAKE, TYPE, LIC.	
MO (UNIQUE ACTIONS) OFFICERS WERE ALLOWING ICE TO LEAVE AREA BECAUSE THEY WERE BLOCKED IN BY 415 CROWD. SUSPECT FROM CROWD PUSHED INTO OFFICER THEN PUNCHED OFFICER ON ARM.					
<input type="checkbox"/> THREAT OF SCHOOL VIOLENCE		<input type="checkbox"/> TRANSIT-RELATED INCIDENT		PREMISES: STREET/PARKWAY	
<input type="checkbox"/> GANG RELATED		<input type="checkbox"/> MOTIVATED BY HATRED / PREJUDICE		<input type="checkbox"/> DOMESTIC VIOLENCE	
<input checked="" type="checkbox"/> MANDATORY MARSY'S RIGHTS CARD PROVIDED TO THE VICTIM					
APPROVAL/REPORTING OFFICERS		SUPERVISOR APPROVING REPORT SGT 2 CHACON		SERIAL NO. 32437	RAP SHEET ATTACHED <input type="checkbox"/> Y <input type="checkbox"/> N
		DATE & TIME REPRODUCED		DIV.	CLERK
				(P.P. ARREST OFCR. BKG. EVID. IF LISTED ON THIS PAGE) VIRRUETA 39470	
JUVENILE DISPO.		Petition Request:		<input type="checkbox"/> DETAINED <input type="checkbox"/> RELEASED <input type="checkbox"/> NON-BOOK <input type="checkbox"/> NON-BOOK WARR.	
FINAL CHARGE, IF DIFFERENT THAN ORIGINAL (SECTION, CODE & DEFINITION)		IF REFERRED, AGENCY & PERSON ACCEPTING REFERRAL		PROPERTY BOOKED? IF YES, 10.08.00 COMPLETED	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N
11 <input type="checkbox"/> C&R		13 <input type="checkbox"/> EXON-INNOCENT		04 <input type="checkbox"/> CYA	
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SUSPECT: ORENDORFF, ANTHONY D.O.B: 10/125/1990 CHARGE 243 (B) PC BATTERY ON POLICE OFFICER

#### SOURCE OF ACTIVITY

ON 06-19-25 AT APPROXIMATELY 1030 HRS., MY PARTNER OFFICER VIRRUETA #44422 (DRIVER) AND I OFFICER MORENO #39825 (PASSENGER) WERE DRIVING A MARKED BLACK AND WHITE POLICE VEHICLE IN FULL POLICE UNIFORM. WE WERE WORKING FOOTHILL DIVISION PATROL ASSIGNED 16A37. WE RECEIVED A RADIO CALL OF A, "FIRE DEPARTMENT REQUESTING A BACKUP AT 13502 PAXTON ST".

COMMENTS: FD REQ BACKUP TO LOC UNRELATED MEDICAL CALL AT ICE OPERATION NFI. FD 585 FD INC 265.

INC:25061900001531

#### INVESTIGATION

UPON ARRIVAL, WE OBSERVED AN UNRULY CROWD SURROUND I.C.E (U.S IMMIGRATION AND CUSTOMS) FEDERAL AGENTS IN THE PARKING LOT OF LOWES AT 13502 PAXTON ST. THE I.C.E AGENTS WERE TRYING TO EXIT THE PARKING LOT, BUT THEIR EXIT WAS BLOCKED BY THE VEHICLE OF A SUSPECT THEY TOOK INTO CUSTODY. I, OFFICER MORENO DIRECTED AN OFFICER TO MOVE THE VEHICLE AND CLEAR THE EXIT FOR AGENTS TO LEAVE THE AREA. AS THE AGENTS WERE GETTING BACK INTO THEIR VEHICLES THE UNRULY CROWD BEGAN TO CLOSE THE DISTANCE AND NOT ALLOW THE AGENTS TO ENTER THEIR VEHICLES. AS AGENTS WERE FINALLY GETTING INTO VEHICLES A MALE WEARING A BLACK T-SHIRT, BLACK PANTS AND GREY SHOES KICKED THE REAR LIGHT OF ONE OF THE AGENT'S VEHICLES. THE SUSPECT WAS LATER IDENTIFIED AS ANTHONY ORENDORFF. I ADVISED THE SUSPECT TO BACK OFF AND IF HE CAUSED DAMAGE TO THE VEHICLE HE WOULD GET ARRESTED. THE SUSPECT AGGRESSIVELY CLOSED THE DISTANCE ON ME, STOOD ABOUT 6 INCHES FROM MY FACE, YELLING, SCREAMING AND RAISED HIS PHONE IN MY FACE BLOCKING MY VIEW OF HIM AND THE CROWD. I GAVE HIM MULTIPLE WARNINGS TO BACK AWAY BUT INSTEAD OF BACKING AWAY HE PUSHED INTO MY CHEST. I THEN EXTENDED MY ARMS TO GRAB HIM. THAT'S WHEN HE THREW A PUNCH TOWARD MY DIRECTION AND HIT MY RIGHT FOREARM. THE SUSPECT THEN RAN AWAY EAST BOUND ON THE SIDEWALK. THE SUSPECT RAN TOWARDS OFFICER RODRIGUEZ' #45034 DIRECTION AND OFFICER RODRIGUEZ ATTEMPTED TO GRAB THE SUSPECT BY THE SHOULDER. THE SUSPECT USED RESISTANCE AND ATTEMPTED TO BREAK FREE, SPINNING AWAY BUT SUBSEQUENTLY BEGAN TO STUMBLE.

#### USE OF FORCE

OFFICER RODRIGUEZ GRABBED THE SUSPECT'S UPPER BODY TO MAINTAIN CONTROL AS THE SUSPECT LOST HIS BALANCE FELL ON HIS BACK. OFFICER RAMIREZ # 44549 APPROACHED TO ASSIST WITH LOWER BODY. OFFICER RAMIREZ LOWERED HIS BODY WEIGHT TO THE GROUND TO WRAP HIS ARMS AROUND THE SUSPECT'S LEGS AND GAIN CONTROL. ONCE CONTROLLED, OFFICER RAMIREZ USED BOTH HIS HANDS TO MAINTAIN FIRM GRIPS OF SUSPECT'S LEGS. I, OFFICER MORENO USED A FIRM GRIP ON SUSPECT'S RIGHT WRIST TO CONTROL IT AND KEEP IT BEHIND HIS BACK. OFFICER SANDOVAL #45687 ASSISTED BY USING A FIRM GRIP AND CONTROLLING THE SUSPECT'S LEFT WRIST. OFFICER RODRIGUEZ MAINTAINED CONTROL OF SUSPECT'S UPPER BODY BY USING HIS BODY WEIGHT AGAINST SUSPECT'S UPPER BODY. ONCE THE SUSPECT WAS CONTROLLED, I, OFFICER MORENO DIRECTED OFFICERS TO SLIP OFF THE BACKPACK BEFORE HANDCUFFING. THE BACKPACK WAS REMOVED ONE ARM AT A TIME WHILE STILL MAINTAINING CONTROL OF BOTH ARMS WITH FIRM GRIPS, LEGS CONTROLLED WITH FIRM GRIPS AND UPPER BODY WITH BODY WEIGHT. ONCE THE BACKPACK WAS OFF, I, OFFICER MORENO DIRECTED OFFICER RAMIREZ HANDCUFF THE SUSPECT WITHOUT FURTHER INCIDENT.

#### ARREST

THE SUSPECT WAS ARRESTED FOR 243(B) PC BATTERY OF POLICE OFFICER.

#### BOOKING

SUSPECT WAS BOOKED AT VALLEY JAIL FOR 243 (B) PC BATTERY OF POLICE OFFICER BY FOOTHILL DIVISION WATCH COMMANDER SGT II CHACON #32437 SIGNED THE BOOKING APPROVAL.

#### INJURY/ MEDICAL TREATMENT

THE SUSPECT WAS SEEN AT VAN NUYS DISPENSARY FOR COMPLAIN OF PAIN DO TO TAKE DOWN AND FIRM GRIPS OF USE OF FORCE.

#### EVIDENCE

NONE

PHOTOS, RECORDINGS, VIDEO, DIGITAL IMAGING AND BODY WORN CAMERA.  
MY BWV AND MY PARTNERS WERE ON DURING THE INCIDENT.

#### CANVASSING

NONE

#### ADDITIONAL

NONE

#### COURT INFORMATION

MY PARTNER AND I CAN TESTIFY TO THE CONTENTS OF THIS REPORT.

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

12 LOS ANGELES PRESS CLUB,  
13 STATUS COUP,

14 Plaintiffs,

15 vs.

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

19 Defendants.  
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CASE NO. 25-CV-05423 HDV-E

**[PROPOSED] ORDER DENYING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

Upon review of Plaintiffs' Motion for Preliminary Injunction and Defendants' Opposition, the Court rules as follows:

Plaintiffs have not met any of the four factors warranting issuance of a preliminary injunction, as set forth in *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). Plaintiffs have not established a likelihood of success on the merits of their claim, they have not established that they are likely to suffer irreparable harm in the absence of preliminary relief, they have not established that the balance of equities tips in their favor, and they have not established that an injunction is in the public interest. Accordingly, Plaintiffs' Motion for Preliminary Injunction is DENIED and the Temporary Restraining Order issued by the Court on July 10, 2025 is vacated.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Hernán D. Vera  
UNITED STATES DISTRICT JUDGE