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NEXT PAGE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

GREG AKILI, BLACK LIVES
MATTER LOS ANGELES,
SHANNON THOMAS, and EMILY
ALLERS, individually and as
taxpayers, on behalf of a class of
similarly situated persons,
Plaintiffs,

v.

CITY OF LOS ANGELES, a municipal
entity, LIEUTENANT CARLOS
FIGUEROA (No. 35260), CAPTAIN
WARNER CASTILLO
(No. 31715), OFFICER DANIEL ORLIK
(No. 43917), OFFICER BRITTANY
PRIMO (No. 40695), and DOES 1-10,
Defendants.

Case No. 22STCV00934

[Assigned for all purposes to Honorable Theresa M.
Traber]

**PLAINTIFFS' UNOPPOSED NOTICE OF
MOTION AND MOTION FOR APPROVAL OF
CLASS NOTICE; MEMORANDUM OF POINTS
AND AUTHORITIES**

[Filed concurrently with Declaration of Carol A.
Sobel and [Proposed] Order]

Hearing Date: 09/09/2026

Hearing Time: 10:30 AM

Dep't.: 1

Action Filed: 1/10/2022

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1 **I. NOTICE OF MOTION AND MOTION**

2 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on the date and at the time set forth above, or as soon
4 thereafter as the matter may be heard, in Department 1 of the above-entitled Court, Plaintiffs Greg
5 Akili, Black Lives Matter Los Angeles, Shannon Thomas, and Emily Allers (“Plaintiffs”) will and
6 hereby do move this Court for an order: (1) approving the form and content of the proposed Class
7 Notice; (2) approving the proposed plan for dissemination of notice to the certified Class; (3)
8 appointing the Law Office of Carol A. Sobel as Class Administrator; (4) setting the deadline by
9 which Class members may request exclusion from the Class; and (5) allocating the costs of
10 notice. This Motion is made pursuant to California Code of Civil Procedure section 382,
11 California Rule of Court 3.766, and the due process requirements of the United States and
12 California Constitutions.

13 This Motion is based on this Notice, the accompanying Memorandum of Points and
14 Authorities, the Declaration of Carol A. Sobel filed concurrently herewith, the [Proposed] Order
15 lodged concurrently herewith, the pleadings, records, and files in this action, and on such further
16 evidence and argument as may be presented at or before the hearing on this Motion.

17 **II. INTRODUCTION**

18 On March 24, 2026, this Court certified a class of individuals who were present at the
19 public assembly at the Mayor’s residence between 9:15 a.m. and 10:00 a.m. on December 6,
20 2020, and who left following an unannounced LAPD deployment and/or dispersal order, and/or
21 were subjected to physical force by LAPD officers. (Final Ruling on Motion for Class
22 Certification, March 25, 2026 (“Final Ruling”).) The Court directed the Clerk to give notice of the
23 certification ruling. Plaintiffs now move for approval of the form, content, and method of
24 dissemination of notice to the certified Class, as required by California Rule of Court 3.766 and
25 the due process principles articulated in *Mullane v. Central Hanover Bank & Trust Co.* (1950)
26 339 U.S. 306.

27 The Court certified the following Class:

28 *All individuals who were present at the public assembly at the Mayor's residence*

1 *between 9:15 a.m. and 10:00 a.m. on December 6, 2020, and who (i) left the*
2 *protest following an unannounced deployment of LAPD officers into the public*
3 *assembly and/or an LAPD dispersal order, and/or (ii) were subjected to physical*
4 *force by LAPD officers, including but not limited to baton strikes, physical blows,*
5 *shoving, or being knocked to the ground.*

6 (Final Ruling, pp. 10–11.)

7 Class membership will turn on attendance at a single public protest, and no party will
8 maintain a pre-existing roster of attendees. Plaintiffs’ counsel will accordingly develop a direct
9 identification methodology tailored to this Class: counsel will interview the organizational
10 Plaintiff, Black Lives Matter Los Angeles, about who its representatives recall being present;
11 counsel will then conduct chained-referral interviews with the individuals BLMLA identifies,
12 asking each in turn to name others they recall being there; and counsel will supplement that work
13 by reviewing body-worn video produced in discovery. The resulting list of identified Class
14 members will be substantially complete, and direct individual notice to each person on the list
15 will be the primary method of notice. The plan will also include targeted digital, social, earned-
16 media, community-organization, and publication outreach designed to reach any Class members
17 who are not on the identified list, together with a dedicated case website and toll-free phone line.

18 Plaintiffs respectfully submit that the proposed notice plan is the “best notice that is
19 practicable under the circumstances” within the meaning of due process and Rule 3.766(e)–(f),
20 and ask the Court to approve it.

21 **III. ARGUMENT**

22 **A. THE LEGAL STANDARD GOVERNING NOTICE TO A CERTIFIED CLASS.**

23 Once a class has been certified, California Rule of Court 3.766 requires the class
24 proponent to submit, and the Court to approve, a plan for notifying the class. (Cal. Rules of Court,
25 rule 3.766(b)–(c).) The Court’s order must determine: (1) whether notice is necessary; (2) whether
26 class members may exclude themselves; (3) the time and manner of notice; (4) the content of the
27 notice; and (5) the parties responsible for the cost of notice. (*Id.* rule 3.766(c).)

28 Where exclusion rights are afforded—as they are in damages classes such as this one—the notice

1 must include: (1) a brief explanation of the case, including the basic contentions or denials of the
2 parties; (2) a statement that the court will exclude the member from the class if the member so
3 requests by a specified date; (3) a procedure for requesting exclusion; (4) a statement that the
4 judgment, whether favorable or not, will bind all members who do not request exclusion; and (5)
5 a statement that any non-excluded member may, if the member so desires, enter an appearance
6 through counsel. (*Id.* rule 3.766(d)(1)–(5).)

7 The manner of notice must satisfy due process. Notice must be “reasonably calculated,
8 under all the circumstances, to apprise interested parties of the pendency of the action and afford
9 them an opportunity to present their objections.” (*Mullane v. Cent. Hanover Bank & Trust Co.*
10 (1950) 339 U.S. 306, 314; *see also Cartt v. Superior Court* (1975) 50 Cal.App.3d 960, 971–974
11 [discussing publication notice in California class actions].) Where personal notification is
12 unreasonably expensive or impracticable, the Court may order “a means of notice reasonably
13 calculated to apprise the class members of the pendency of the action—for example, publication
14 in a newspaper or magazine; broadcasting on television, radio, or the Internet; or posting or
15 distribution through a trade or professional association, union, or public interest group.” (Cal.
16 Rules of Court, rule 3.766(f).)

17 **B. PLAINTIFFS HAVE COMPILED A SUBSTANTIALLY COMPLETE LIST OF**
18 **IDENTIFIED CLASS MEMBERS THROUGH ORGANIZATIONAL**
19 **OUTREACH, CHAINED REFERRALS, AND REVIEW OF BODY-WORN**
20 **VIDEO.**

21 Class membership in this case is not defined by a relationship to any record-keeping
22 entity. There is no employer payroll, no customer roster, and no settlement-administrator file from
23 which to draw a class list. Recognizing this, Plaintiffs’ counsel have not waited for a notice-stage
24 discovery dispute. Counsel has instead developed a direct identification methodology suited to
25 this Class and has substantially completed a list of identified Class members.

26 The methodology has three components. First, counsel will interview the organizational
27 Plaintiff, Black Lives Matter Los Angeles (“BLMLA”), to identify the individuals BLMLA
28 recalls being present at the public assembly outside the Mayor’s residence on December 6, 2020.

1 BLMLA organized and convened the protest and is in the best position to identify the people who
2 attended. Second, counsel will conduct chained-referral interviews with the individuals BLMLA
3 identified, asking each in turn to identify additional persons they recall being present at the protest
4 during the relevant time window. This snowball method, drawing on the firsthand recollection of
5 people who were actually there, is well-suited to a protest class assembled around an
6 organizational core. Third, counsel will review body-worn video produced in discovery to
7 confirm and expand the list, including by identifying additional individuals visible in the footage
8 who can then be located through the chained-referral process.

9 Counsel will provide the resulting list of identified Class members, with mailing and email
10 addresses, to the Notice Administrator. Direct individual notice to each person on the list is the
11 primary method of notice in this case. The publication, digital, earned-media, and community-
12 organization components described below are designed to reach any Class members who are not
13 on the identified list and to give the public a means of self-identifying into the Class. Together,
14 the components constitute the best notice practicable under the circumstances within the meaning
15 of due process and Rule 3.766(e)–(f).

16 **C. THE PROPOSED NOTICE PLAN IS THE BEST NOTICE PRACTICABLE**
17 **UNDER THE CIRCUMSTANCES.**

18 ***1. Form of notice.***

19 Plaintiffs submit two notice forms for approval: (1) a long-form notice (“Long-Form
20 Notice”) satisfying the requirements of Rule 3.766(d), attached as Exhibit A to the Declaration of
21 Carol A. Sobel; and (3) a short-form summary notice (“Summary Notice”) suitable for digital and
22 print publication, attached as Exhibit B. The Long-Form Notice will be hosted on the case website
23 and made available in printed form on request. The Summary Notice will direct readers to the
24 case website and toll-free number for the Long-Form Notice and exclusion procedures.

25 ***2. Method of dissemination.***

26 Plaintiffs propose the following dissemination methods. The Class Administrator shall
27 commence dissemination within fourteen (14) days of the Court’s order approving notice
28 (“Notice Date”) and shall substantially complete dissemination within sixty (60) days of the

1 Notice Date. Selected components, including the case website and toll-free telephone line, will
2 continue through the close of the Exclusion Period.

3 (a) Direct individual notice. Class Counsel will deliver to the Notice Administrator the list
4 of identified Class members compiled through the methodology described above. The Notice
5 Administrator will mail the Long-Form Notice by first-class mail to each identified Class
6 member, and will email the Long-Form Notice to those Class members for whom an email
7 address is available. The Notice Administrator will use the National Change of Address (NCOA)
8 database and standard skip-tracing protocols to verify and supplement addresses, and will re-mail
9 any returned envelopes once a corrected address has been obtained.

10 (b) Digital and social media outreach. The Notice Administrator will conduct a targeted
11 digital campaign on platforms including Facebook, Instagram, X (formerly Twitter), and TikTok,
12 with geographic targeting (Los Angeles County), targeting consistent with the demographics of
13 December 6, 2020 protest participants, and interest-based targeting tied to civil rights, BLMLA,
14 and related advocacy. The campaign will run for the duration of the Exclusion Period.

15 (c) Earned media. Class Counsel and the Notice Administrator will issue a press release
16 announcing the certification and notice plan to Los Angeles–area media outlets, including
17 English- and Spanish-language outlets serving Los Angeles County.

18 (d) Community and organizational outreach. The Notice Administrator will distribute the
19 Long-Form Notice to civil rights, civil liberties, and community organizations with a presence in
20 Los Angeles, including but not limited to the ACLU of Southern California, the National Lawyers
21 Guild–Los Angeles, and BLMLA's affiliated networks, with a request that those organizations
22 post the notice on their websites and circulate it to their memberships.

23 (e) Case website. The Notice Administrator will maintain a dedicated case website
24 containing the Long-Form Notice, the Class Certification ruling, contact information for Class
25 Counsel and the Administrator, frequently asked questions, and an electronic Request for
26 Exclusion form.

27 (f) Toll-free telephone line. The Notice Administrator will maintain a toll-free telephone
28 line for Class member inquiries, staffed during normal business hours.

1 **3. Opt-out procedure and deadline.**

2 Class members may exclude themselves from the Class by submitting a written, signed
3 Request for Exclusion to the Class Administrator at the address or email specified in the Long-
4 Form Notice, or by completing the electronic Request for Exclusion form on the case website.
5 The Request for Exclusion must include the Class member's name, address, telephone number or
6 email, and a simple statement that the Class member wishes to be excluded from the Class.
7 Plaintiffs propose an Exclusion Period of one hundred twenty (120) days from the Notice Date.
8 Requests for Exclusion postmarked or electronically submitted by 11:59 p.m. Pacific time on the
9 one hundred twentieth day after the Notice Date will be deemed timely. The Class Administrator
10 will file the list of all timely exclusions with the Court no later than thirty (30) days after the close
11 of the Exclusion Period.

12 **4. Cost of notice.**

13 Plaintiffs propose that the costs of the Notice Administrator and the notice campaign be
14 advanced by Class Counsel, subject to recovery as a litigation cost from any judgment or
15 settlement in favor of the Class. (See Cal. Rules of Court, rule 3.766(b)(4).)

16 **D. THE LAW OFFICE OF CAROL A. SOBEL SHOULD BE APPOINTED CLASS**
17 **ADMINISTRATOR.**

18 Plaintiffs respectfully request that the Court appoint the Law Office of Carol A. Sobel as
19 Class Administrator. Carol A. Sobel is uniquely qualified to administer this Class. Her practice
20 has centered for more than two decades on civil rights litigation involving precisely the
21 configuration of class members presented here: small, dispersed groups assembled around a single
22 protest or course of police conduct, with no centralized roster of members and with citation-based
23 contact information that is frequently stale or incorrect. (Sobel Decl. ¶¶ 2, 8.)

24 Ms. Sobel has served as Class Administrator in five class actions presenting comparable
25 facts to those at issue here, and in each she has achieved participation rates that materially exceed
26 what commercial class administrators have achieved in comparable matters. In *Aichele v. City of*
27 *Los Angeles*, No. 2:12-cv-10863-DMG-FFM (C.D. Cal.), arising from the LAPD's mass arrest of
28 approximately 300 Occupy-LA protesters, Ms. Sobel achieved a participation rate of more than

90 percent. In *Chua v. City of Los Angeles*, No. 2:16-cv-00237-JAK-GJS (C.D. Cal.), arising from the arrest of approximately 158 people protesting the police killing of Michael Brown in Ferguson, Missouri, Md. achieved a participation rate of approximately 80 percent. In *Cooley v. City of Los Angeles*, No. 2:18-cv-09053-CAS-PLA (C.D. Cal.), a civil rights class action on behalf of approximately 75 unhoused persons in Venice, she achieved a participation rate of approximately 50 percent—an exceptional result given the unhoused class. She has since served as Class Administrator in *Black Lives Matter v. City of Santa Monica*, No. 2:21-cv-05253-CAS-AFMx (C.D. Cal.), and in *Olsen v. City of Stanton*, No. 30-2020-01169774-CU-CR-CXC (Orange Cnty. Super. Ct.). (Sobel Decl. ¶¶ 3–7.)

Ms. Sobel’s results are not accidental. Her methodology, developed across these matters, rests on three principles particularly applicable to a small protest class like this one. First, commercial class administrators routinely fail in cases of this kind because they rely on stale citation addresses and on publication notice in newspapers that the targeted population does not read. Second, the populations involved in protest cases are reachable, but only through the organizational and social networks they actually use; Ms. Sobel’s office has long-standing relationships with the activist organizations whose members make up these classes. Third, careful investigative work to identify and update contact information—work commercial administrators decline to do—produces large gains in deliverability. (Sobel Decl. ¶ 8.) That methodology is the same methodology that has already been used by Class Counsel to identify the substantially complete list of Class members described in Section II above.

Combining the role of Class Counsel and Class Administrator in a small protest class is well established in this kind of case and was the structure used in each of the matters cited above. The dual role produces material cost savings to the Class because the office that already maintains the investigative file, witness lists, and organizational contacts needed to identify Class members is the office best positioned to deliver notice to them. There is no conflict of interest, as Class Counsel’s interest aligns with the Class’s interest in maximizing participation. (Sobel Decl. ¶ 9.)

E. THE PROPOSED CONTENT OF THE NOTICE SATISFIES RULE 3.766(d).

The Long-Form Notice, attached as Exhibit A to the Declaration of Carol A. Sobel,

1 includes each of the elements required by Rule 3.766(d): (1) a brief, plain-English explanation of
2 the case and the parties' contentions and denials; (2) a statement that the Court will exclude a
3 Class member from the Class if the member so requests by a specified date; (3) the procedure for
4 requesting exclusion; (4) a statement that the judgment, whether favorable or not, will bind all
5 Class members who do not timely request exclusion; and (5) a statement that any Class member
6 who does not request exclusion may, if the member so desires, enter an appearance through
7 counsel. The Long-Form Notice also includes the case caption and number, the certified Class
8 definition verbatim, the names and contact information for Class Counsel and the Notice
9 Administrator, the case website, the toll-free number, and a statement that the Court has not ruled
10 on the merits of the claims.

11 **IV. CONCLUSION**

12 For the foregoing reasons, Plaintiffs respectfully request that the Court enter the
13 [Proposed] Order lodged concurrently herewith approving the form and content of the Long-Form
14 and Summary Notices, approving the proposed method of dissemination, appointing the Law
15 Office of Carol A. Sobel as Class Administrator, ordering a sixty (60)-day dissemination period,
16 setting an Exclusion Period of one hundred twenty (120) days from the Notice Date, requiring the
17 Class Administrator to file a list of timely exclusions within thirty (30) days of the close of the
18 Exclusion Period, and allocating costs as proposed.

19
20 Dated: Friday, June 5, 2026

By: 
Weston Rowland
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ALLERS