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Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA**

18 DENNIS RUTHERFORD,

19 *Plaintiff,*

20 v.

21 ALEX VILLANUEVA, Sheriff of Los
22 Angeles County, in his official
23 capacity, and COUNTY OF LOS
24 ANGELES

25 *Defendants.*
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No. 75-CV-04111-DDP

**EX PARTE APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION**

1 Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure and Rule 65-1
2 of the Local rules of this court, Plaintiffs hereby submits this Ex Parte Application
3 for a Temporary Restraining Order and Order to Show Cause re Preliminary
4 Injunction to ensure Defendants protect the constitutional rights of people held in
5 the Inmate Reception Center (IRC) at the Los Angeles County Jails and abide by
6 the Judgment and other prior orders in this action, an order forbidding Defendants
7 from:

8 1. Holding an incarcerated person in the IRC for more than 24 hours;
9 2. Holding an incarcerated person on the IRC Clinic Front Bench,
10 handcuffed, chained, or tethered to a chair or any other object, for more than 4
11 hours. In the event an individual remains on the Front Bench for more than four
12 hours, Defendants shall document the following:

- 13 a. Date and time the individual was first placed on the Front Bench;
14 b. The reasons why the individual is on the Front Bench, including
15 any mental health diagnosis;
16 c. Date and time of initial mental health screening;
17 d. Date and time of any subsequent mental health or medical
18 evaluation;
19 e. Date and time each individual was removed from the Front Bench
20 temporarily, how long the person remained untethered, and the
21 reason why (e.g., escort to bathroom, mental health screening);
22 f. Date and time each individual was permanently removed from the
23 Front Bench;
24 g. Location of individual after removal from Front Bench.

25 Plaintiffs shall be provided with this documentation upon request.

26 3. Holding more than 10 incarcerated persons in a holding cell without
27 first exhausting every other means to avoid placing more than 10 incarcerated
28 persons in a holding cell. In the event more than 10 incarcerated persons are placed

1 in a holding cell, this event shall be documented as follows:

- 2 (a) name of the officer approving the placement;
- 3 (b) date and time of placement;
- 4 (c) type of placement;
- 5 (d) date and time of release;
- 6 (e) number of persons in the cell at time of placement;
- 7 (f) identification of the particular holding cell.

8 Plaintiffs shall be provided with this documentation upon request;

9 4. Holding an incarcerated person in a holding cell or the cage in the
10 clinic area for longer than 24 hours. In the event that an incarcerated person is
11 detained in a holding cell or the cage for longer than 24 hours, Defendants shall
12 document the following:

- 13 (a) name of the officer approving the placement;
- 14 (b) date and time of placement;
- 15 (c) type of placement;
- 16 (d) date and time of release from the holding cell or cage, and date
17 and time each individual was permanently moved from the holding cell
18 or cage;
- 19 (e) number of persons in the cell or cage at time of placement;
- 20 (f) identification of the particular holding cell.

21 Plaintiffs shall be provided with this documentation upon request;

22 5. Holding an incarcerated person in the clinic area, cage, or any cell in
23 the IRC which is not maintained in a clean and sanitary condition, including access
24 to functioning toilets, potable drinking water, and clean water to wash;

25 6. Holding an incarcerated person in the IRC without providing ongoing
26 access to adequate medical and mental health care, including but not limited to
27 regular pill call and sick call.

28 This Application is supported by the accompanying Memorandum of Points

1 and Authorities and contemporaneously filed declarations and exhibits.

2 On September 2, 2022, counsel for Plaintiffs met and conferred by phone
3 with counsel for Defendants, Mr. Dylan Ford, who stated that Defendants intended
4 to oppose the Ex Parte Application. Declaration of Melissa Camacho-Cheung ¶¶
5 4-6, 8.

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7 Dated: September 7, 2022

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/s/ Peter J. Eliasberg
Peter J. Eliasberg
Counsel for Plaintiffs