

## **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT REGARDING THE RIGHTS OF PERSONS PREVIOUSLY SUBJECT TO GANG INJUNCTIONS IN THE CITY OF LOS ANGELES**

This notice is about a proposed settlement of a class action lawsuit against the City of Los Angeles involving alleged constitutional violations in the enforcement of “gang injunctions” by the Los Angeles Police Department and Los Angeles City Attorney’s office against individuals in the City of Los Angeles. *If you have previously been notified by the City of Los Angeles that you were subject to a gang injunction, this settlement may affect your rights.*

### **ABOUT THE LAWSUIT**

On October 26, 2016, the organization Youth Justice Coalition and two individuals (“Plaintiffs”) filed this lawsuit (entitled *Youth Justice Coalition et al. v. City of Los Angeles et al.*) against the City of Los Angeles in the United States District Court for the Central District of California, Case No. 16-CV-07932-VAP (RAO), challenging the City’s practice in enforcing “gang injunctions,” which are state-court civil orders prohibiting a variety of gang-related nuisance behaviors. The lawsuit alleged that City of Los Angeles violated procedural due process under the United States and California Constitutions by not naming Plaintiffs as defendants in the civil actions in which gang injunctions were issued or otherwise affording Plaintiffs an opportunity to contest the allegation that they were active members of the criminal street gang subject to the injunction before being served with and made subject to enforcement of the gang injunction. The lawsuit asked the Court to order the City of Los Angeles to cease enforcing gang injunctions against any individuals without first providing them constitutionally sufficient process to contest the allegation that they are active gang members.

In October 2016, the two individual Plaintiffs asked the Court to temporarily halt enforcement of gang injunctions against them pending resolution of the case. The City did not oppose the request as to one Plaintiff, and the Court granted the request as to the other in a preliminary injunction entered in September 2017.

In October 2017, Plaintiffs asked the Court to certify this case as a class action. After discussions between the parties, the City agreed that the case should be certified as a class action, which the Court did in January 2018, certifying a class described below (in “The Parties”).

In January 2018, Plaintiffs asked the Court to expand the preliminary injunction temporarily prohibiting enforcement of gang injunctions from the individual Plaintiffs to the entire Plaintiff Class. The Court granted the request in March 2018 on the basis that Plaintiffs were “likely to establish that the City did not provide sufficient due process for [these] class members . . . and that continued enforcement of the Los Angeles Gang Injunctions against these class members is likely to result in irreparable injury.”

The parties have reached a settlement of the claims that were certified as class claims, and this notice provides details of that settlement.

### **THE PARTIES**

Two individuals previously subjected to gang injunctions, Peter Arellano and Jose Reza, represent a class of individuals certified by the Court, defined as

“All persons, past and future, whom an authorized agent of the City of Los Angeles has notified, whether by personal service or otherwise, that they are subject to a Los Angeles Gang Injunction and who (a) were not named as individual civil defendants, or who were not substituted in as Doe defendants, in the civil nuisance abatement action to obtain that injunction, and (b) who do not have contempt proceedings for violation of such an injunction currently pending against them.” (the “Plaintiff Class”)

If you have been previously notified by an authorized agent of the City of Los Angeles that you are subject to a gang injunction obtained by the City, and you were not named or substituted in as defendant in the state court action in which that injunction issued, you are a member of the Plaintiff Class in this case. Even if you have been notified by the City of Los Angeles that they are no longer enforcing the injunction against you, you may still be a member of the Plaintiff Class.

**NOTE: Some gang injunctions in Los Angeles County were obtained by the County of Los Angeles. This Settlement does not affect those injunctions.** If you have questions about whether you are affected by this case, contact the attorneys for the Plaintiffs as described below.

The organization Youth Justice Coalition is also a plaintiff in this case, although it is not a class representative.

The Defendant in this case is the City of Los Angeles (“the City”).

The City is not admitting liability or any wrongdoing. The Parties desire to compromise and settle this dispute without any admission of fault, liability, or wrongdoing, in the interests of avoiding the additional expense and the inherent uncertainties of litigation.

## **ABOUT THE SETTLEMENT**

The following is only a summary of the provisions of the settlement. The written agreement between the parties has the full terms of the proposed settlement that was preliminarily approved by the Court. There are instructions below if you want more information about this settlement, including a copy of the complete agreement. The settlement is for non-monetary relief only, which means that the parties are agreeing that the City of Los Angeles will continue certain actions that it already takes and will take certain additional actions to address the claims in the lawsuit and ensure the City’s enforcement of gang injunctions complies with due process required by the California and United States constitutions. **The settlement does not entitle you or any member of the Plaintiff Class to money damages, i.e., a cash payment.**

### **The Contents of the Settlement**

#### Plaintiff Class Releases

The Plaintiff Class will release all claims in this lawsuit that the Court allowed to be pursued on behalf of the Plaintiff Class (specifically, all constitutional claims asserted against the Defendant). The Plaintiff Class will also release all claims based on future events that are substantially similar to the events on which this lawsuit was based.

#### Enforcement of Gang Injunctions

Under the Settlement, the City of Los Angeles will enforce a Gang Injunction against an individual only if that individual was named as a defendant in the civil injunction proceeding (or was otherwise

joined in the civil injunction proceeding, as a party, real party in interest, or otherwise, such that the person received all the same procedural rights as a defendant under the California Code of Civil Procedure, Rules of Court, and other applicable California rules and laws) and is made subject to enforcement of the gang injunction by a judgment or court order. This new policy applies even if an individual was previously served with a Gang Injunction, and applies to existing Gang Injunctions and to any new Gang Injunction the City of Los Angeles may obtain or seek to enforce in the future.

#### New Gang Injunctions

If City files a complaint seeking a New Gang Injunction, City will name as a defendant any individual against whom City seeks to enforce the New Gang Injunction. The City may seek to specify, in any proposed New Gang Injunction, the procedure by which the City may petition the court to include additional defendants or parties in interest to the New Gang Injunction. Any such procedure shall seek to afford to any additional defendant or party in interest the same due process rights that a defendant receives under the California Code of Civil Procedure, Rules of Court, and other applicable California rules and laws, and must be approved by the court. The City will serve the complaint and other legal documents related to a New Gang Injunction on an individual named as a defendant, and/or the gang entity, in the manner provided for service of process in civil litigation under the California Code of Civil Procedure, Rules of Court, and other applicable California rules and laws.

#### Existing Gang Injunctions

The City of Los Angeles may ask a court to modify an Existing Gang Injunction to make a person subject to it, either by asking the court to add that person as a defendant or by otherwise providing the individual with the same due process rights as a defendant.

The City will make that request by personally serving a motion to modify injunction (or similar document) on an individual that City seeks to add as a defendant or real party in interest to an Existing Gang Injunction. This motion (or similar document) will include the evidence on which the City relies in the motion, although that production of evidence does not supplant or replace the rights of either side under the rules of civil discovery, subject to the rulings of the court.

#### Procedures of the City of Los Angeles's New Policy

For a period of three years following the Effective Date of this Settlement, City will provide:

- to individuals served with a complaint seeking a New Gang Injunction: a letter that provides contact information of Plaintiffs' Counsel and explanatory information about the process;
- to individuals served with a motion to modify an Existing Gang Injunction (or similar document) to add that individual as a defendant or real party in interest: a letter that provides contact information of Plaintiffs' Counsel and other legal resources available to the individual; and
- to Plaintiffs' Counsel: the names and reasonably available contact information of individuals served with a complaint seeking a New Gang Injunction or a motion to modify (or similar documents) seeking to add an individual to an Existing Gang Injunction.

Nothing in the Settlement Agreement obligates City to provide or pay for counsel for any defendant or real party in interest that City seeks to subject to enforcement of a New or Existing Gang

Injunction, nor does anything in the Settlement Agreement obligate Plaintiffs' Counsel in this class action to represent you in any such proceeding.

Absent a change in the legal standard of proving active gang membership in California, City, in obtaining a court order permitting enforcement of a New or Existing Gang Injunction against an individual, will bear the burden of proof to establish by clear and convincing evidence the individual is an active gang member of the criminal street gang that is a cause of the public nuisance. Nothing in the Settlement Agreement prevents the individual from raising any defense to or legal arguments against the enforcement sought by the City.

The City may seek a default judgment or similar remedy against any individual who fails to oppose a motion to modify (or similar document) seeking to subject an individual to enforcement of an Existing Gang Injunction or who fails to respond to a complaint filed to obtain a New Gang Injunction. If City voluntarily dismisses an individual before a final order or judgment on that individual's active gang membership, City will not enforce against that individual, but this does not preclude the City from later serving a previously dismissed individual in accordance with the provisions of the Settlement Agreement.

A court's determination that an individual is or is not an active gang member made in a civil gang injunction proceeding does not preclude City or the individual from taking the position that the individual is or is not an active gang member in any other criminal, civil, or administrative proceeding.

If the court determines that an individual is not an active gang member, this does not preclude City from later serving that individual based on new or additional evidence of active gang membership in accordance with the provisions of the Settlement Agreement.

Any appeal, writ, or other challenge to a court's determination of active gang membership shall be as provided in the California Code of Civil Procedure, Rules of Court, and other applicable California rules and laws.

Enforcement of a Gang Injunction may begin upon notice of the judgment or order permitting enforcement against that individual. Unless otherwise ordered by the court, notice of the judgment or order shall be effectuated in accordance with the California Code of Civil Procedure, Rules of Court, and other applicable California rules and laws.

If the judgment or order permitting enforcement against an individual is entered in an Existing Gang Injunction, City shall serve the individual with a Notice of Non-Enforcement of Specific Gang Injunction Provisions, an example of which is attached as Exhibit \_\_\_, setting forth any provisions of the Existing Gang Injunction that City does not or will not enforce.

The City will cease enforcing a Gang Injunction against an individual five (5) years from the date of the judgment or court order authorizing such enforcement against that individual. However, nothing in the Settlement Agreement precludes the City from seeking a judgment or order permitting enforcement of a Gang Injunction against any individual, regardless of any previous service, enforcement, or dismissals, based on new or additional evidence of active gang membership, so long as the City does so in accordance with the provisions of the Settlement Agreement.

### Enforcement of Gang Injunctions Against Juveniles

The new policy for Gang Injunctions and all other provisions of the Settlement Agreement shall apply equally in the event City seeks to obtain a judgment or court order permitting enforcement of a Gang Injunction against an individual who is under the age of 18 (“Juvenile”). In addition, City shall:

- Comply with applicable California law governing civil lawsuits brought against Juveniles, including Cal. Code Civ. Proc. §§ 372-373 (appointment of a guardian ad litem);
- Serve a copy of the complaint, or motion to modify or similar document, on the Juvenile’s parent and/or guardian, in addition to serving such document on the Juvenile in accordance with the terms of the Settlement Agreement and applicable law; and
- Deliver an electronic copy of the complaint, motion to modify, or similar document to the Children’s Law Center, who can provide the document to the attorney assigned to the Juvenile in the event the Juvenile is under the jurisdiction of the dependency court pursuant to Welfare & Institutions Code § 300 et seq.

In appropriate cases, City may seek release of Juvenile Court records to the court presiding over the Gang Injunction proceeding and the Juvenile.

### **IF YOU WANT MORE DETAILS**

There is a group of lawyers, Plaintiffs’ Counsel, representing Plaintiffs and the Plaintiffs Class in this case. You can get a list of these lawyers and a copy of the settlement agreement at <https://www.aclusocal.org/LAganginjunctions>.

To ask questions about the settlement of this case you can:

- Send a letter to *Youth Justice Coalition* Plaintiffs’ Counsel, c/o ACLU of Southern California, 1313 West 8th Street, Los Angeles, CA 90017.
- Send an email to [LAganginjunctions@aclusocal.org](mailto:LAganginjunctions@aclusocal.org).
- Leave a voicemail at (213) 201-8933.

### **IF YOU DO NOT OBJECT TO THIS SETTLEMENT:**

You do not have to do anything.

### **IF YOU OBJECT TO THIS SETTLEMENT:**

You must mail a statement explaining why you object to the settlement no later than **April 12, 2021**. Please be sure to include your name, address (if available), telephone number (if available), the case name and number of any gang injunction you have been subject to (if available), your signature, a reference to this settlement or the case (*Youth Justice Coalition et al. v. City of Los Angeles et al.*), the portions of the settlement to which you object, and the reasons you object. Mail your objection to:

*Youth Justice Coalition* Plaintiffs’ Counsel  
c/o ACLU of Southern California  
1313 W. 8th Street  
Los Angeles, CA 90017

Plaintiffs’ Counsel will provide your objection to the federal judge assigned to this matter, the Honorable Virginia A. Phillips, and to Defendant’s Counsel. You must mail your objection by the

above deadline; you cannot object to this settlement after the deadline has passed. Even if you object, you do not have the ability to "opt out" of this settlement if the Court approves it.

### **HEARING REGARDING FINAL APPROVAL OF THIS SETTLEMENT**

The Court will also hold a hearing about this settlement on **May 31, 2021 at 2pm**. The hearing date could change. Please check any of the websites listed above close to the date of the hearing for information about any possible change in the hearing date. The Court gets to decide whether to allow members of the Plaintiff Class who timely served objections to this settlement to speak at the hearing.

The address for the court is:

U.S. Federal District Court, Courtroom 8A (8<sup>th</sup> floor)  
350 West 1st Street  
Los Angeles, CA 90012

You can get more details about the hearing from the places listed above.