

1 JOHN C. ULIN (State Bar No. 165524)
2 john.ulín@hellerehrman.com
3 HELEN C. ECKERT (State Bar No. 240531)
4 helen.eckert@hellerehrman.com
5 AMANDA N. WALKER (State Bar No. 252380)
6 amanda.walker@hellerehrman.com
7 HELLER EHRMAN LLP
8 333 South Hope Street, 39th Floor
9 Los Angeles, CA 90071
10 Tel: (213) 689-0200
11 Fax: (213) 614-1868

12 Attorneys for Plaintiffs (continued on next page)

13
14 **UNITED STATES DISTRICT COURT**
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
16

17 PETER JOHNSON, DONALD
18 PETERSON and MICHAEL
19 CURFMAN, on behalf of themselves and
20 all others similarly situated,

21 Plaintiffs,

22 vs.

23 LOS ANGELES COUNTY SHERIFF'S
24 DEPARTMENT, a public entity; LEROY
25 BACA, as Sheriff of the County of Los
26 Angeles, and COUNTY OF LOS
27 ANGELES, a public entity, MICHAEL
28 D. ANTONOVICH, YVONNE B.
BURKE, DON KNABE, GLORIA
MOLINA, ZEV YAROSLAVSKY, as
Supervisors of the County of Los
Angeles,

Defendants.

CASE NO.: CV-08-03515-DDP

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
PRELIMINARY INJUNCTION**

DATE: June 30, 2008
TIME: 10:00 a.m.
COURT RM: 3 – Spring Street
JUDGE: Hon. Dean D. Pregerson

1 MARK ROSENBAUM (State Bar No. 59940)

2 mrosenbaum@aclu-sc.org

3 MELINDA BIRD (State Bar No. 102236)

4 mbird@aclu-sc.org

5 ACLU FOUNDATION OF SOUTHERN CALIFORNIA

6 1616 Beverly Boulevard

7 Los Angeles, California 90026

8 Tel: (213) 977-9500

9 Fax: (213) 250-3980

10 PAULA D. PEARLMAN (State Bar No. 109038)

11 Paula.Pearlman@lls.edu

12 SHAWNA L. PARKS (State Bar No. 208301)

13 Shawna.Parks@lls.edu

14 TIFFANY A. GREEN (State Bar No. 243573)

15 Tiffany.Green@lls.edu

16 DISABILITY RIGHTS LEGAL CENTER

17 919 Albany Street

18 Los Angeles, California 90015

19 Tel: (213) 736-1031

20 Fax: (213) 736-1428

21 DAN STORMER (State Bar No. 101967)

22 dstormer@hskrr.com

23 C. VIRGINIA KEENY (State Bar No. 139568)

24 vkeeney@hskrr.com

25 LAUREN TEUKOLSKY (State Bar No. 211381)

26 Lauren@hskrr.com

27 CORNELIA DAI (State Bar No. 207435)

28 cdai@hskrr.com

HADSELL, STORMER, KEENY, RICHARDSON & RENICK, LLP

128 N. Fair Oaks Avenue, Suite 204

Pasadena, California 91103

Tel: (626) 585-9600

Fax: (626) 577-7079

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

2 **PLEASE TAKE NOTICE** that on Monday, June 30, 2008, at 10:00 a.m., or
3 as soon thereafter as the matter may be heard, in Court Room 3, United States
4 District Court for the Central District of California, located at 312 North Spring
5 Street, Los Angeles, California, Plaintiffs Peter Johnson, Donald Peterson, and
6 Michael Curfman, on behalf of themselves and all others similarly situated, will
7 move the Court for an order granting a preliminary injunction in a form to be lodged
8 with the Court. The requested preliminary injunction would enjoin Defendants, the
9 Los Angeles County Sherriff's Department; County Sheriff, Leroy Baca; the County
10 of Los Angeles; and Los Angeles County Supervisors, Michael D. Antonovich,
11 Yvone B. Burke, Don Knabe, Gloria Molina, and Zev Yaroslavsky, and their
12 respective successors in office, agents, servants, employees, and all others acting in
13 concert therewith from, *inter alia*, holding booking or housing any person with
14 disabilities: (a) in any facility that in which the detainee does not have access on the
15 same basis as the general population to a toilet, sink, drinking fountain, and telephone
16 that meet applicable standards; (b) without providing appropriate accommodations
17 for detainees with disabilities; (c) without permitting them to participate on an equal
18 basis with other detainees in programs and activities; or (d) without commissioning a
19 comprehensive evaluation of current ADA compliance and developing a
20 comprehensive plan for achieving full compliance.

21 A preliminary injunction is warranted because: (1) Plaintiffs demonstrate a
22 likelihood of success on the merits of their claims under the Americans with
23 Disabilities Act, 42 U.S.C. § 12132; Section 504 of the Rehabilitation Act, 29 U.S.C.
24 § 794; Cal. Govt. Code § 11135 *et seq.*; Cal. Civ. Code § 51 *et seq.*; Cal. Civ. Code
25 § 54 *et seq.*; and Cal. Govt. Code § 4450 *et. seq.*; (2) Plaintiffs will continue to suffer
26 irreparable injury without the requested preliminary injunction; (3) although
27 balancing is not required, the balance of hardships favor Plaintiffs; (4) the
28 preliminary injunction advances the public interest; and (5) the preliminary

1 injunction complies with the Prison Reform Litigation Act, 18 U.S.C. § 3626.

2 This motion is based on this notice of motion, the accompanying memorandum
3 of points and authorities, the concurrently filed Compendium of Detainee
4 Declarations, Declarations of Logan Hopper, Dr. Brie Williams, and Helen Eckert,
5 and all exhibits thereto, the Request for Judicial Notice filed concurrently herewith,
6 other pleadings, records, and papers on file with the Court, and such additional
7 evidence and argument as may be submitted in responsive briefing or at oral
8 argument.

9
10 Dated: June 9, 2008

Respectfully submitted,

11
12 HELLER EHRMAN LLP

13 By: /s/ John C. Ulin
14 JOHN C. ULIN
15 Attorneys for Plaintiffs
16
17
18
19
20
21
22
23
24
25
26
27
28