UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

BLACK LIVES MATTER LOS ANGELES, et al,

Plaintiffs,

v.

CITY OF LOS ANGELES, et al,

Defendants.

Case No.: 2:20-cv-05027-CBM-(ASx)

ORDER RE: MOTION TO CERTIFY CLASS [136]

The matter before the Court is Plaintiffs' Motion for Class Certification. (Dkt. No. 136.)

I. BACKGROUND

This putative class action concerns the response of the Los Angeles Police Department ("LAPD") to protests and demonstrations which occurred throughout Los Angeles in late May and early June of 2020 in response to the death of George Floyd. Black Lives Matter and other named Plaintiffs move for an order certifying one class seeking injunctive relief under Rule 23(b)(2) and three classes seeking damages under Rule 23(b)(3) or 23(c)(4), and appointing Plaintiffs' counsel as class counsel under Rule 23(g).

1. Injunctive Relief Class

Plaintiffs' injunctive relief claims concern their First Amendment right to protest. They allege that the LAPD has a long history of settlements and consent decrees resulting from LAPD's historical pattern and practice of aggressive and unlawfully shutting down First Amendment protected protests through failing to provide proper unlawful assembly notices, failing to provide reasonable opportunity to disperse, failing to provide directions for dispersal, unleashing unreasonable and excessive force against protestors, kettling and detaining or arresting protestors (including arresting on charges entitling the arrestee to immediate field release on a promise to appear), engaging in punitive arrests, holding arrestees on buses without water and bathrooms in tight handcuffs, and failing to release (or not arresting but only citing) people entitled to immediate release on their own recognizance.

The "Injunctive Relief Class" is defined as "[a]ll persons who have in the past participated, presently are participating, or may in the future participate in, or be present at, demonstrations within the City of Los Angeles in the exercise of their rights of free speech, assembly and petition in general, and particularly as it relates to protesting police violence and discrimination against people of color, especially African-Americans.

The proposed class representatives for the Injunctive Relief Class are Black Lives Matter Los Angeles and CANGRESS (d/b/a Los Angeles Community Action Network).

2. Damages Classes

Plaintiffs seek certification for three classes seeking damages:

(1) the "Arrest Class," which is defined as "[b]eginning May 29, 2020, and continuing through June 2, 2020, all persons present at or during the aftermath of protests regarding the killing of George Floyd in the City of Los Angeles, who

were arrested by the LAPD on charges of failure to obey a curfew, failure to disperse, failure to follow a lawful order of a police officer and/or unlawful assembly, and who were held on buses and subjected to prolonged tight hand-cuffing, denied access to bathrooms, water and food, and held in enclosed spaces without ventilation."

The proposed class representatives for the Arrest Class are Alicia Barrera-Trujillo, Krystle Hartsfield, Nelson Lopez, Nadia Khan, Devon Young, Linus Shentu, Alexander Stamm, Steven Roe, Maia Kazin and Jonathan Mayorca.

(2) the "Infraction Class," which is defined as "[b]eginning May 29, 2020, and through June 2, 2020, all persons present at or during the aftermath of protests regarding the killing of George Floyd in the City of Los Angeles, who were arrested and taken into custody, charged with infractions, and not released in the field, as required by Penal Code § 853.5."

The proposed class representatives for the Infraction Class are Jonathan Mayorca, Nadia Khan, Nelson Lopez, Alicia Barrera-Trujillo, Maia Kazin, and Devon Young.

(3) the "Direct Force Class," which is defined as "[b]eginning May 29, 2020, and continuing through June 2, 2020, all persons present at or during the aftermath of protests regarding the killing of George Floyd in the City of Los Angeles, who were struck by either "less-lethal weapons" (including 37mm and 40 mm projectiles, and bean-bag shotguns), batons, or otherwise physically struck by an LAPD officer, and who were neither violently resisting nor posing an immediate threat of violence or physical harm.

The proposed class representatives for the Arrest Class are David Contreras, Tina Črnko, Abigail Rodas, Christian Stephen Roe, Shannon Lee Moore, Clara Aranovich, and Eva Grenier.

II. STATEMENT OF THE LAW

Federal Rule of Civil Procedure 23(a) requires that a proposed class satisfy the following four requirements for class certification: (1) numerosity; (2) commonality; (3) typicality; and (4) adequacy of representation. Fed. R. Civ. P. 23(a). In addition, the proposed class must satisfy one of the three options under Rule 23(b)(1), (2) or (3). Rule 23(b)(2) provides that a class action may be maintained if Rule 23(a) is satisfied and if "the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2). Rule 23(b)(3) provide that a class action may be maintained if "the court finds that the questions of law or fact common to class members predominate over any questions affecting only individual members, and that a class action is superior to other available methods for fairly and efficiently adjudicating the controversy." Fed. R. Civ. P. 23(b)(3). Rule 23(c)(4) provides that, "[w]hen appropriate, an action may be brought or maintained as a class action with respect to particular issues." Fed. R. Civ. P. 23(c)(4).

When analyzing class certification, the court takes the complaint's allegations as true, and performs a "rigorous analysis," which may require it "to probe behind the pleadings." *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 352 (2011).

III. DISCUSSION

1. Evidentiary Objections

Defendants filed over 100 objections to evidence submitted by Plaintiffs on the grounds that the evidence is inadmissible. The Ninth Circuit has held that, for purposes of a motion for class certification, "[t]he court's consideration [of evidence] should not be limited to only admissible evidence." *Sali v. Corona*

Regional Medical Center, 909 F.3d 996, 1004 (9th Cir. 2018).

Accordingly, the Court overrules the objections and considers the evidence for purposes of this Motion.

2. Definiteness

Federal Rule of Civil Procedure 23 requires that the class is defined objectively, is capable of membership ascertainment when appropriate, and is defined without regard to the merits of the claim or the seeking of particular relief. *Melgar v. CSK Auto, Inc*., 681 F. App'x 605, 607 (9th Cir. 2017) (citing *Vizcaino v. U.S. Dist. Ct*., 173 F.3d 713, 721–22 (9th Cir. 1999)). The Court finds that the class definitions meet the definiteness requirements of Rule 23.

3. Numerosity

"In general, courts find the numerosity requirement satisfied when a class includes at least 40 members." *See Rannis v. Recchia*, 380 F. App'x 646, 651 (9th Cir. 2010)

Plaintiffs contend that all four classes — the injunctive relief class, arrest class, infraction class, and direct force class — meet the numerosity requirement because (1) the injunctive relief class includes "tens of thousands of people," (2) the arrest class includes approximately 4000 people, (3) the infraction includes "at least 800 [or] more" people, and (4) the direct force class includes "at least 75 people, likely well in excess of 100." (*See* Sobel Class Decl. ¶¶ 44–47, 91, 100, 104.)

Defendants do not dispute that the injunctive relief, infraction, and arrest classes meet the numerosity requirement. Defendants contend, however, that the direct force class does not meet the numerosity requirement because "the size of the proposed class is approximately equal to the number of persons who have already brought individual lawsuits." (Opp'n – Dkt. No. 144 at 12–13.)

Defendants base this argument on the facts that (1) 32 other lawsuits have been filed against the City alleging unreasonable force against protestors at the same demonstrations, and (2) there are already approximately 70 other individual claims that have been filed against the City. (COE, Exs. 25-56.)

Plaintiffs' 100-person estimate of the size of the force class excluded those known to have already filed their own lawsuits. Thus, Plaintiffs estimate that there are 100 or more force victims who have not filed their own lawsuit. (Sobel Supp. Dec. – Dkt. No. 150 at ¶16.)

Accordingly, the Court finds that the numerosity requirement is met for all of the proposed classes.

4. Commonality

To satisfy the commonality requirement, there must be questions of law or fact common to a damages class. Fed. R. Civ. P. 23(a)(2); 23(b)(3). To establish commonality, Plaintiff need only point to a single common question to the class. *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 358 (2011). Where "examination of all the class members' claims will produce a common answer" to a central common question, Rule 23(a) commonality is met. *Id.* at 352.

4.1. Direct Force Class

The members of the Direct Force Class allege claims for (1) violation of the Fourth and Fourteenth Amendments; (2) violation of California's Bane Act; (3) assault; (4) battery, and (5) *Monell* liability. (Compl. – Dkt. No. 115 at 63–67.)

First, Defendants contend that the commonality requirement is not met on the grounds that the excessive force claims under the Fourth Amendment cannot be proven via common evidence because the claims require examination of the totality of the circumstances surrounding the use of force, including the severity of the crime at issue, whether the suspect posed an immediate threat, and whether the suspect was actively resisting arrest. *Young v. Cnty. of L.A.*, 655 F.3d 1156, 1163

(9th Cir. 2011). Second, Defendants contend that Plaintiffs' Bane Act claim will require establishing both a constitutional violation and that the officer had a specific intent to violate the plaintiff's right to freedom from unreasonable seizure. *Murchison v. Cnty. of Tehama*, 69 Cal. App. 5th 867, 896 (Cal. Ct. App. 2021). Third, Defendants contend that the claims for assault and battery will also turn on the reasonableness of the force used under the individual circumstances. *J.J. v. M.F.*, 223 Cal. App. 4th 968, 976 (Cal. Ct. App. 2014). Fourth, as to the *Monell* claim, Defendants contend that Plaintiffs have not demonstrated any custom, policy, or practice of a failure to train.

Plaintiff need only identify a single common question to the class to establish commonality. *Wal-Mart Stores, Inc.*, 564 U.S. at 358. Here, the Court finds that the Direct Force Class's *Monell* claims concern a common question about the LAPD's ratification of the individual officers' use of less-lethal force and subsequent failure to discipline the officers for any misconduct. These *Monell* issues present "important questions apt to drive the resolution of the litigation." *Torres v. Mercer Canyons Inc.*, 835 F. 3d 1125, 1134 (9th Cir. 2016). Furthermore, in *Multi-Ethnic Immigrant Worker Organizing Network v. City of Los Angeles*, 246 F.R.D. 621, 635, C.D. Cal. Dec. 14, 2007), the court found that, while "the conduct of individual officers in the field may present individual issues of reasonableness . . . the individual issues share a common source: the command decisions to disperse the crowd and to authorize the use of less-lethal munitions if the crowd's behavior warranted it." This analysis is persuasive, and thus the Court finds that the LAPD command's decision to employ less-lethal munitions in this case is a common question for the Direct Force class. Accordingly, the Court finds that the commonality requirement is met for the Direct Force class.

4.2. Arrest Class

The members of the Arrest Class allege two claims: (1) violation of their

Fourth and Fourteenth Amendments rights; and (2) False Arrest/False Imprisonment. (Compl. – Dkt. No. 115 at 60–61, 65.)

Defendants contend that the Arrest Class does not have commonality on the grounds that (1) its claims cannot be proven via common evidence, because "claims challenging conditions of confinement turn on the specific facts of the confinement, and the putative class members' experiences varied significantly based on where they were arrested, when and how they were transported, and where they were transported to" (Opp'n – Dkt. No. 144 at 20), and (2) its claims that they were placed on a bus and placed in zip-tie handcuffs are insufficient alone to establish a violation of their Fourth and Fourteenth Amendment rights. See *Panagacos v. Towery*, 2014 U.S. Dist. LEXIS 98982, at *16 (W.D. Wash. July 21, 2014), affirmed by 692 Fed. Appx. 330 (9th Cir. 2017) ("Panagacos claims the zip tie on her wrist was too tight and left imprints on her skin, and that the conditions during holding and transport were overcrowded. This did not violate any constitutional rights . . . .")

For purposes of class certification, the merits of a class's claims are considered "only to the extent that they are relevant to whether the Rule 23 prerequisites are satisfied." *Amgen Inc. v. Ct. Retirement Plans and Trust Funds*, 568 U.S. 455, 466 (2013). Both of Defendants' arguments address the merits of the proposed class members' claims, but they do not demonstrate how the differences in length of time of a violation caused by Defendants defeat commonality. Furthermore, the Court finds that, for purposes of class certification, the proposed class members' claims concerning their confinement and transportation in law enforcement vehicles are sufficiently common based on the evidence cited by Plaintiffs. (*See* COE – Ex. 12, 12, 21:23-22:11, 22:20-23:11; Ex. 16, 42:23 – 43:1; Ex. 20, 30:18-31:4; Ex. 19, 46:15-18; Ex. 24, 18:5-8; Ex. 21, 29:5-13; Ex. 22, 23:5-7; Ex. 18, 21:6-10; Ex. 17, 27:25-28:3.)

Accordingly, the Court finds that the commonality requirement is met for

the Arrest Class.

4.3. Infraction Class

The members of the Infraction Class allege that the LAPD (1) violated their Fourth and Fourteenth Amendment rights, (2) violated the Bane Act, and (3) violated California Penal Code Section 853.5 when it falsely arrested when issuing infractions to the class members.

Defendants contend that the Infraction Class members' claims do not meet the commonality requirement because they do not give rise to a cause of action. *See People v. McKay*, 27 Cal. 4th 601, 605 (2002) ("[C]ustodial arrests for fine-only offenses do not violate the Fourth Amendment and [] compliance with state arrest procedures is not a component of the federal constitutional inquiry."); *Virginia v. Moore*, 553 U.S. 164, 172 (2008) ("We thought it obvious that the Fourth Amendment's meaning did not change with local law enforcement practices—even practices set by rule.").

For purposes of class certification, however, the merits of a class's claims are considered "only to the extent that they are relevant to whether the Rule 23 prerequisites are satisfied." *Amgen Inc.*, 568 U.S. at 466. Thus, the fact that answers to common merits questions may favor Defendants is irrelevant to class certification because "Rule 23(b)(3) requires a showing that questions common to the class predominate, not that those questions will be answered, on the merits, in favor of the class." *Id*. at 459.

Here, whether the Infraction Class's claims may give rise to a cause of action is a question based upon the merits of Plaintiffs' claims, and thus does not relate to the commonality of their claims for purposes of class certification.

Accordingly, the Court finds that the commonality requirement is met for the Infraction Class because there are common questions of law and fact as to all three of the Infraction Class members' claims, and Defendants' attack of the

merits of the Fourth and Fourteenth Amendment claims is premature at the class certification stage.

5. Typicality

"The test of typicality is whether other members have the same or similar injury, whether the action is based on conduct which is not unique to the named plaintiffs, and whether other class members have been injured by the same course of conduct." *Hanon v. Dataproducts Corp*., 976 F.2d 497, 508 (9th Cir. 1992) (citations omitted). Claims are typical "if they are reasonably coextensive with those of absent class members," and they need not be "substantially identical." *Staton v. Boeing Co*., 327 F.3d 938, 957 (9th Cir. 2003) (quoting *Hanlon v. Chrysler Corp*., 150 F.3d 1011, 1020 (9th Cir. 1998).

5.1. Direct Force Class

Defendants contend that the Direct Force class does not meet the typicality requirement because its class representatives experienced different types of force: some allege harm from a 40mm less-lethal launcher; some allege harm from a 37mm less-lethal launcher; some allege harm from beanbag shotguns; and some allege harm from batons. Defendants contend this is significant because one of the claims for this class is a *Monell* failure to train claim, and each weapon used by the LAPD requires different training. Defendants also dispute the typicality of class representative Ms. Rodas' claims, because one of her companions told the medical staff that treated her wounds in the emergency room that her injuries were from a fall. (COE, Ex. 11, 493–10; Dep. Ex. 10,016). The Direct Force Class's *Monell* claim, however, is one of several claims premised on Defendants' use of force. Furthermore, Ms. Rodas declares that she fell as a result of being hit by a rubber bullet that shattered her jaw. Thus, there is evidence supporting typicality for her claims.

Accordingly, the Court finds that the Direct Force Class meets the typicality

requirement.

5.2. Infraction Class

Defendants contend that the claims of Plaintiffs Mayorca, Kazin, and Young of the infraction class do not meet the typicality requirement because they were charged with misdemeanors. (COE, Ex. 6, No. 20, Ex. 7, No. 17; Dkt. 136-25, ¶ 5.) However, Plaintiffs contend that the class members who were arrested for committing misdemeanors, but only charged with an infraction, should not have been arrested for committing misdemeanors and are thus properly included in the Infraction Class. The Court finds that the Infraction Class's allegations satisfy the typicality requirement.

5.3. Arrest Class

Defendants contend that the Arrest Class does not satisfy the typicality requirement because the class representatives (1) do not have Article III standing to seek recovery for an alleged condition of confinement, (2) were not charged with misdemeanors and therefore are not members of the proposed class, and (3) due to the varying experiences of each person's transport (length, location, and method of transportation), no representative's claims are typical of the class they seek to represent. The Court addresses each argument in turn.

5.3.1. Standing

Standing is a threshold issue in any lawsuit and, in the class action context, the standing inquiry focuses on the class representatives. *NEI Contr. & Eng'g, Inc. v. Hanson Aggregates Pac. Sw., Inc.*, 926 F.3d 528, 532 (9th Cir. 2019). For a plaintiff to have standing, the plaintiff must have suffered an invasion of a legally protected interest that is "concrete and particularized" and "actual or imminent, not conjectural or hypothetical." *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016).

Defendants contend that the class representatives of the Arrest Class do not have standing based on the following: (1) Plaintiff Roe is the only plaintiff who requested use of the bathroom and was denied; (2) Plaintiffs Roe and Barrera-Trujillo were the only ones to request water and be denied; (3) Plaintiff Hartsfield testified she was allowed to drink water without requesting it; (4) none of the Plaintiffs requested food, and no Plaintiff put forth evidence they were subjected to unsanitary conditions on the bus due to lack of bathroom access; and (5) there is no evidence that Plaintiffs Mayorca, Stamm, Kazin, or Young requested that their handcuffs be loosened.

The Court finds that the members of the Arrest Class allege concrete and particularized violations of their constitutional rights in the Complaint. Furthermore, the fact that some members of the Arrest Class did not explicitly request water or access to a restroom is not sufficient to defeat class certification at this stage, because the merits of a class's claims are considered "only to the extent that they are relevant to whether the Rule 23 prerequisites are satisfied." *Amgen Inc. v. Ct. Retirement Plans and Trust Funds*, 568 U.S. 455, 466 (2013).

5.3.2. Misdemeanor Charges

Defendants contend that Plaintiffs Lopez, Khan, Barrera-Trujillo, and Young do not meet the typicality requirement because "they were not charged with misdemeanors, as the proposed class definition requires." (Opp'n – Dkt. No. 144 at 25.) (Dkt. No. 136, p. 4; COE, Ex.5, No. 20, Ex. 8, No. 17, Ex. 9, No. 20.)

Plaintiffs submitted evidence demonstrating that each of these class members were charged with misdemeanors for violation of LAMC § 8.78 (they state that Kahn was mistakenly listed in place of Kazin, who was also charged with a misdemeanor). (See Exs. 149-1, 149-6, and 149-11 – Dkt. No. 168). Thus, the Court finds that these Plaintiffs sufficiently demonstrated typicality.

5.3.3. Varying Experiences

Defendants contend that the Plaintiffs do not meet the typicality

requirement because of their "varying transportation experiences." (Opp'n – Dkt. No. 144 at 26.) In support of this argument, they cite to evidence demonstrating that (1) Mr. Roe was arrested downtown on May 29, 2020 and transported on a bus to a jail "only a few blocks away," (2) Mr. Stamm was arrested in Hollywood on June 1, 2020 and transported by a Sheriff's Department bus to Westwood, and (3) Ms. Hartsfield was arrested in the Fairfax area on May 30, 2020 and transported via LAPD van to Van Nuys. (Dkt. No. 15 at 64, 73–74; COE, Ex. 10, No. 9.) Thus, Defendants contend that there is no typicality because the vehicles were different, and the conditions of the transportation were different (an LAPD van seats 12 people, a Sheriff's bus seats about 40, an MTA bus seats about 38, and Sheriff's and MTA buses have windows, while other vehicles did not. (COE, Ex. 2, ¶ 5.)

The Court finds that the variety of the distances traveled and types of vehicles used, the overarching allegations does not undermine the substantive typicality of the Arrest Class's claims, including the allegations that each class member was arrested, handcuffed, and confined in a law enforcement vehicle.

5.4. Injunctive Class

The Court finds that the typicality requirement is satisfied for the Injunctive Class because each class member participated in recent protests, intends to participate in future protests, and experienced the same conduct of the LAPD alleged in the Complaint.

6. Adequacy of Representation

Rule 23(a)(4)'s requirements that the representative parties will fairly and adequately protect the interests of the class are met when (1) there is no conflict of interest between the legal interests of the named plaintiffs and those of the proposed class, and (2) counsel for plaintiffs are competent to represent the class.

Lenvill v. Inflight Motion Pictures, Inc., 582 F. 2d 507, 512 (9th Cir. 1978).

6.1. Proposed Class Representatives

There are nineteen proposed class representatives in this case: Black Lives Matter Los Angeles; CANGRESS; Alicia Barrera-Trujillo; Krystle Hartsfield; Nelson Lopez; Nadia Khan; Devon Young; Linus Shentu; Alexander Stamm; Steven Roe; Maia Kazin; Jonathan Mayorca; David Contreras; Tina Črnko; Abigail Rodas; Christian Stephen Roe; Shannon Lee Moore; Clara Aranovich; and Eva Grenier.

As a threshold matter, Plaintiffs' counsel declared that Plaintiffs Jeffrey Trotter and Orlando Hinkston, who Defendants thought were named Plaintiffs, were never intended to be class representatives. (Sobel Decl. – Dkt. No. 150, ¶22). Thus, the Court does not consider them as class representatives.

Defendants challenge the adequacy of the named Plaintiffs on three separate grounds: (1) a finding of adequacy is precluded because Black Lives Matter Los Angeles, CANGRESS, Steven Roe, Tina Crnko, Abigal Rodas, Eva Grenier, and David Contreras, did not submit declarations or deposition testimony regarding the adequacy requirement; (2) the declarations that were submitted are inadequate because they were prepared in support of Plaintiffs' earlier request for a restraining order; and (3) representatives Eva Grenier and Jonathan Mayorca attended the protests as a legal observer and for the purpose of filming, respectively.

Plaintiffs submitted the declarations of Black Lives Matter Los Angeles, CANGRESS, Steven Roe, Tina Crnko, Abigal Rodas, and Eva Grenier after the Court requested that they do so. (See Decl. – Dkt. No. 136.) Furthermore, the fact that some of the class representatives' declarations were prepared in support of the Motion for preliminary injunction has no bearing on the adequacy of their representation. As to Ms. Grenier and Mr. Mayorca, they allege claims based on

the LAPD's use of force. Their claims do not implicate the First Amendment. The Court finds no reason to distinguish between observer and protester, because the distinction has no relevance to the LAPD's use of force. The Court thus finds that each class member has sufficiently demonstrates that they will fairly and adequately protect the interests of their respective classes and certifies the proposed class representatives for their respective classes.

6.2. Class Counsel

Plaintiffs contend that their lead counsel — Paul Hoffman, Carol Sobel, and Barry Litt — are qualified to represent the class because they have experience litigating class action civil rights cases. *See Multi-Ethnic Immigrant Workers Org. Network v. City of Los Angeles*, 246 F.R.D. 621 (C.D. Cal. 2007) (concerning LAPD arrests and brutality at immigrant rights protest); *Aichele v. City of Los Angeles*, 314 F.R.D. 478 (C.D. Cal. 2013) (concerning LAPD arrests at Occupy LA area on City Hall lawn); *Chua v. City of Los Angeles*, 2017 WL 10776036 (C.D. Cal. May 25, 2017) (concerning LAPD arrests at 2014 Ferguson protests in downtown LA). All three attorneys filed declarations stating that they have extensive experience in these types of cases, and that they are "considered among the premiere attorneys in Los Angeles for such work." (Litt Decl. – Dkt. No. 136-43; Hoffman Decl. – Dkt. No 136-44; Sobel Decl. – Dkt. No. 136-1.)

Defendants do not dispute that the designated counsel has sufficient experience. They do, however, contend that Ms. Sobel and her law office should be disqualified for two reasons: (1) Ms. Sobel "will be a necessary witness at trial" because some of Plaintiffs' claims rely on her personal knowledge and expert testimony; and (2) Weston Rowland (an attorney at Ms. Sobel's firm) is a necessary and percipient witness to proposed class representative Grenier's claims because he attended one of the protests with her.

Plaintiffs consented to Ms. Sobel's representation and declared that they

understood that there is a remote possibility that she could testify. (Abdullah Decl. – Dkt. No. 157 at ¶¶ 17–19.) *See Maxwell v. Superior Court*, 30 Cal. 3d 606, 620 n. 9 (1982) (finding that an attorney-witness need not withdraw from a civil case if the client consents in writing to continued representation); *GayDays, Inc. v. Master Ent., Inc.*, No. CV 07-6179-ABC (JWJX), 2008 WL 11339109, at *2 (C.D. Cal. July 8, 2008) (same). Furthermore, Mr. Rowland did not witness any of the use of force that Ms. Grenier's claims are based upon, and he attended the protest for the purpose of gathering evidence for the impending lawsuit being filed based on police conduct at earlier demonstrations.

Accordingly, the Court finds that class counsel is qualified to represent Plaintiffs.

7. Superiority and Manageability

Rule 23(b)(3) requires that class adjudication be "superior to other available methods" and identifies several factors, including individual class member interest in controlling the litigation; the existence of other pending litigation on the same controversy; and manageability. The United States Supreme Court has held that the main consideration is the existence of numerous claims too small to litigate individually. *See Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 617 (1997) (holding that the purpose "at the very core of the class action mechanism" is to make adjudications for "small recoveries" viable.)

The Court finds that the class members' claims here are not significant enough to justify individual litigation for the vast majority of class members. Furthermore, manageability is demonstrated by the fact that similar cases have been certified. Finally, liability can be readily determined on a class-wide basis.

Accordingly, the Court finds that the superiority and manageability requirements are satisfied.

IV. CONCLUSION

Accordingly, the Court **GRANTS** Plaintiffs' Motion and certifies the four proposed classes.

IT IS SO ORDERED.

DATED: OCTOBER 3, 2022

CONSUELO B. MARSHALL
UNITED STATES DISTRICT JUDGE