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14
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
17

18 GINA VIOLA, an individual, YOUTH CLIMATE
19 STRIKE LOS ANGELES, an unincorporated
20 association, and SIM BILAL, an individual,

21 Plaintiffs,

22 vs.

23 CARUSO MANAGEMENT COMPANY, LTD., a
24 California limited partnership, GMF, LLC, a
25 Delaware limited liability company, and
26 Does 1–10, inclusive,

27 Defendants.
28

Case No. 22STCV26403

Assigned for all purposes to the
Honorable Teresa Beaudet

**Memorandum of Points and Authorities in
Support of Plaintiffs’ Motion for a Preliminary
Injunction**

Date: September 22, 2022
Time: 2:00 p.m.
Dept.: 50
Reservation ID: 655153765274

Action Filed: August 16, 2022
Trial Date: None Set

1 INTRODUCTION

2 Rick Caruso is a wealthy developer running for Mayor of Los Angeles. This campaign is based
3 out of one of his own properties, the Grove. It is a shopping mall in the Fairfax District of Los Angeles.
4 It hosts various non-commercial events supporting Caruso’s mayoral campaign. And it provides its
5 patrons with Caruso for Mayor signs and allows them to parade through the property displaying those
6 signs.

7 Plaintiffs are critics of Caruso’s mayoral campaign, political positions, and policy platform. They
8 used the Grove’s prescribed application process seeking permission to engage in speech critical of
9 Caruso’s campaign at the Grove on the same terms that the Grove allows private speech supportive of
10 Caruso’s campaign. The Grove refuses to provide equal-handed treatment, instead discriminating based
11 on the viewpoint and content of Plaintiffs’ speech.

12 Because the mayoral election is less than 90 days away, Plaintiff seek a preliminary prohibitive
13 injunction ensuring their constitutional right to engage in expressive activities in a public forum.

14 FACTUAL BACKGROUND

15 This lawsuit concerns the rights of Plaintiffs and the public to engage in non-commercial
16 expressive activity at the Grove. The Grove is a more than 750,000 square foot mall in Los Angeles. The
17 Grove purportedly sees more than 18 million visitors annually—more than Disneyland. (Trynaur, *Main*
18 *Street of Dreams* (March 2013) Vanity Fair <[https://www.vanityfair.com/culture/2013/03/rick-caruso-](https://www.vanityfair.com/culture/2013/03/rick-caruso-the-grove-la)
19 [the-grove-la](https://www.vanityfair.com/culture/2013/03/rick-caruso-the-grove-la)>.) Developer Rick Caruso built and owns the mall. (*Ibid.*) Defendants Caruso Management
20 Company, Ltd. and GFM, LLC collectively manage the Grove’s areas and approve or prohibit
21 noncommercial expressive activity at the Grove.

22 Along with being a developer, Caruso is also running to be Mayor of Los Angeles. Caruso’s
23 campaign mailers list his campaign headquarters as 101 The Grove Drive. (Strugar Decl. ¶ 1.) And his
24 campaign website prominently features a picture of Caruso at the Grove surrounded by dozens of
25 supporters. (Strugar Decl. ¶ 2 & Ex. A; see also CarusoCan.com.)

26 The Grove is the site of various political events in support of Caruso’s campaign. When Los
27 Angeles City Council Member Joe Buscaino dropped his own mayoral bid and endorsed Caruso, it
28 happened right at the Grove, complete with amplified sound and dozens of supporters waiving Caruso

1 for Mayor signs. (*Buscaino Drops Out of LA Mayor's Race, Endorses Caruso* (May 17, 2022) NBCLA,
 2 available at: <https://www.youtube.com/watch?v=falwLAs8-IU>; Oreskes & Zahniser, *Joe Buscaino*
 3 *drops out of L.A. mayor's race, endorses Rick Caruso*, Los Angeles Times (May 12, 2022), available at:
 4 [https://www.latimes.com/california/story/2022-05-12/joe-buscaino-drops-out-2022-la-mayor-race-](https://www.latimes.com/california/story/2022-05-12/joe-buscaino-drops-out-2022-la-mayor-race-endorse-rick-caruso)
 5 [endorse-rick-caruso](https://www.latimes.com/california/story/2022-05-12/joe-buscaino-drops-out-2022-la-mayor-race-endorse-rick-caruso); Wick, *L.A. on the Record: The mayor's race, live from the Grove* (May 28, 2022)
 6 Los Angeles Times <[https://www.latimes.com/california/newsletter/2022-05-28/la-politics-la-on-the-](https://www.latimes.com/california/newsletter/2022-05-28/la-politics-la-on-the-record-grove-rick-caruso-l-a-on-the-record)
 7 [record-grove-rick-caruso-l-a-on-the-record](https://www.latimes.com/california/newsletter/2022-05-28/la-politics-la-on-the-record-grove-rick-caruso-l-a-on-the-record)>.)



14 The Grove also hosted the Caruso campaign's primary night election watch party, complete with
 15 amplified sound and hundreds of people supporting Caruso's campaign. (*LA Mayoral Race: Rick*
 16 *Caruso, Karen Bass remain neck and neck* (June 7, 2022) Fox 11 Los Angeles
 17 <https://www.youtube.com/watch?v=eaDX_Yx8eD8>; *Rick Caruso speaks at election party, advances*
 18 *to November runoff* (June 7, 2022) Fox 11 Los Angeles <[https://www.youtube.com/watch?v=Lx-](https://www.youtube.com/watch?v=Lx-1tOEIsI8)
 19 [1tOEIsI8](https://www.youtube.com/watch?v=Lx-1tOEIsI8)>; Rainey, Wick & Oreskes, *L.A. mayor's race: Rick Caruso, Karen Bass headed to November*
 20 *runoff* (June 7, 2022); <[https://www.latimes.com/california/story/2022-06-07/2022-los-angeles-mayor-](https://www.latimes.com/california/story/2022-06-07/2022-los-angeles-mayor-election-karen-bass-rick-caruso-results)
 21 [election-karen-bass-rick-caruso-results](https://www.latimes.com/california/story/2022-06-07/2022-los-angeles-mayor-election-karen-bass-rick-caruso-results)>.)



L.A. mayoral candidate Rick Caruso greets supporters at the Grove on election night. (Rally Shaul / Los Angeles Times)

1 The concierge desk at the Grove features a Caruso for Mayor sign. (Walker Decl. ¶ 5; Spears
2 Decl.¶ 2; Sergienko Decl. ¶ 4.) The Grove’s concierge desk also provides Caruso for Mayor signs to
3 anyone who requests one. (Spears Decl ¶ 2; Sergienko Decl. ¶ 4; Walker Decl. ¶¶ 4–6.) If asked, the
4 concierge desk tells people they can march through the mall displaying their Caruso for Mayor signs.
5 (Spears Decl. ¶ 3; Sergienko Decl. ¶ 5; Walker Decl. ¶¶ 4–6.) And if they do, security does not
6 intervene. (Spears Decl. ¶ 5; Sergienko Decl. ¶ 6; Walker Decl. ¶ 4.) In fact, one Grove security officer
7 gave a Grove patron marching with a Caruso sign an enthusiastic thumbs up in support. (Sergienko
8 Decl. ¶ 8.)

9 But the Grove demands (and Defendants, who operate the Grove, demand) that people seeking to
10 engage in non-commercial expressive activity *opposing* Caruso’s campaign adhere to a strict set of rules
11 and application process that it does not require of pro-Caruso speakers.

12 Plaintiff Gina Viola is a vocal critic of Caruso’s mayoral campaign. (Viola Decl. ¶¶ 3–4.) She
13 competed with Caruso in the Democratic primary for Mayor and gained nearly 7% of the vote. (Viola
14 Decl. ¶¶ 2–3.) Caruso refused to debate her. (Viola Decl. ¶ 3.) Viola is critical of a variety of Mr.
15 Caruso’s policies, but especially his failures as the President of the Los Angeles Police Commission.
16 (Viola Decl. ¶ 4.)

17 Plaintiff Sim Bilal is an organizer with Plaintiff Youth Climate Strike Los Angeles. (Bilal
18 Decl.¶ 2.) Youth Climate Strike Los Angeles is a youth-led social justice organization focusing on
19 climate change, environmental racism, and systemic inequality. (*Ibid.*) Youth Climate Strike Los
20 Angeles is critical of Caruso’s campaign on several fronts, but most specifically on Caruso’s lack of any
21 coherent climate plan. (Bilal Decl. ¶ 3.)

22 Viola and Bilal both sought to engage in non-commercial expressive activity at the Grove
23 opposing Caruso’s mayoral campaign. (Viola Decl. ¶¶ 6–8; Bilal Decl. ¶¶ 5–6.) They each submitted the
24 Grove’s application—“Application for Access to the Grove for Non-Commercial Use of Common
25 Areas”—seeking to have marches with between ten and fifty people through the Grove in opposition to
26 Mr. Caruso’s campaign. (Viola Decl. ¶¶ 8–9 & Ex. A; Bilal Decl. ¶¶ 6–7 & Ex. A.)

27 Defendant denied both of their applications claiming that their proposed activity violated the
28 Grove’s Rules for Non-Commercial Use of Common Areas. (Viola Decl. ¶¶ 11–12 & Ex. B; Bilal Decl.

¶ 8.) Those rules purport to strictly limit the number of people who can engage in non-commercial expressive activity, where they can gather to do so, and the means they can undertake. (Viola Decl. Ex. B.)

Plaintiffs then sought to resolve this matter short of litigation. Counsel for Plaintiffs wrote to Defendants and informed them pro-Carusio speakers at the Grove are not made to follow the Rules for Non-Commercial Use of Common Areas and that forcing Plaintiffs to do so was viewpoint discrimination. (Strugar Decl. Ex. B.) Counsel for Plaintiffs expressed that Plaintiffs sought the same access and treatment for their anti-Carusio speech as the Grove affords pro-Carusio speakers. (*Ibid.*) The General Counsel for Defendant Carusio Management Company stood by its denial of Plaintiffs' application. (Strugar Decl. Ex. C.)

Having no other recourse, and because the mayoral election looms, Plaintiffs seek preliminary injunctive relief on their viewpoint discrimination claim.¹

LEGAL STANDARDS APPLICABLE TO A MOTION FOR PRELIMINARY INJUNCTION

"In determining whether to issue a preliminary injunction, the trial court considers two related factors: (1) the likelihood that the plaintiff will prevail on the merits of its case at trial, and (2) the interim harm that the plaintiff is likely to sustain if the injunction is denied as compared to the harm that the defendant is likely to suffer if the court grants a preliminary injunction." (*Donahue Schriber Realty Grp., Inc. v. Nu Creation Outreach* (2014) 232 Cal.App.4th 1171, 1177, internal quotation marks and citation omitted). "[W]hen free speech and private property rights collide," the "interim harm" analysis "is the same as the analysis concerning the likelihood of success on the merits." (*Bank of Stockton v. Church of Soldiers* (1996) 44 Cal.App.4th 1623, 1631, disapproved on other grounds by *Walmart, Inc. v. Progressive Campaigns, Inc.* (2000) 85 Cal.App.4th 679 and *Young v. Raley's, Inc.* (2001) 89 Cal.App.4th 476.

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¹ Plaintiffs also challenge the facial validity of various of the Grove's Rules for Non-Commercial Use of Common Areas. But they do not seek preliminary relief on their facial challenge; they seek preliminary relief only on their viewpoint discrimination claim.

1 **PLAINTIFFS ARE ENTITLED TO A PRELIMINARY INJUNCTION**

2 A preliminary prohibitive injunction is warranted here because of the strong likelihood that
3 Plaintiffs will succeed on their claim that the Grove is engaged in impermissible viewpoint
4 discrimination that violates the California Constitution and because of the interim harm they would
5 suffer absent preliminary relief. The violations of Plaintiffs’ constitutional rights are clear and ongoing.
6 Without preliminary relief, Plaintiffs and the public will continue suffer deprivations of these rights,
7 which no legal remedy could restore at the end of this action.

8 **I. Plaintiffs are Likely to Succeed on Their Viewpoint Discrimination Claim**

9 Plaintiffs are likely to succeed on their viewpoint discrimination claim because the Grove is a
10 public forum under state law and the Grove’s differential treatment of pro- and anti-Caruso speech is
11 textbook viewpoint discrimination.

12 **A. The Grove is a Public Forum**

13 Article I, section 2 of the California Constitution protects the right of people to speak freely.
14 (Cal. Const. Art. I, § 2.) “The California Constitution provides protections for speakers in some respects
15 broader than provided by the First Amendment of the Federal Constitution.” (*Kuba v. I-A Agr. Ass’n*
16 (9th Cir. 2004) 387 F.3d 850, 856, citing *Los Angeles Alliance for Survival v. City of Los Angeles* (2000)
17 22 Cal.4th 352 (*Los Angeles Alliance for Survival*)). “[O]ne aspect of constitutional law in which the
18 California Constitution varies from its federal cousin” is whether “a particular area is a public forum.”
19 (*Ibid.*)

20 “The doctrine of the public forum achieves a central purpose of the freedom of speech -- the goal
21 of equality of communicative opportunity -- by opening avenues of expression for the poorly financed
22 causes of little people.” (*Carreras v. Anaheim* (9th Cir. 1985) 768 F.2d 1039, 1043 (*Carreras*),
23 abrogated on other grounds by *Los Angeles Alliance for Survival, supra*, 22 Cal.4th 352.) Unlike the
24 First Amendment, under the California Constitution “the ‘public forum’ doctrine is not limited to
25 traditional public forums such as streets, sidewalks, and parks or to sites dedicated to communicative
26 activity.” (*Carreras, supra*, 768 F.2d at 1045.) Instead, the California Constitution seeks to determine
27 “whether the communicative activity is basically incompatible with the normal activity of a particular
28 place at a particular time.” (*Ibid.*)

1 More than forty years ago, in *Robins v. Pruneyard Shopping Center* (1979) 23 Cal.3d 899, 910
2 (*Pruneyard*), the California Supreme Court held that Article I, section 2 grants rights to free expression
3 at privately owned shopping mall as a public forum. A shopping center “to which the public is invited
4 can provide an essential and invaluable forum for exercising [free speech] rights.” (*Pruneyard, supra*, 23
5 Cal.3d at p. 910.). The Court noted that in many cities the public areas of the shopping mall replaced the
6 streets and sidewalks, the traditional areas used for purposes of assembly and public communication (*Id.*
7 at p. 907.) Given the “growing importance of the shopping center[,] ... to prohibit expressive activity in
8 the centers would impinge on constitutional rights beyond speech rights.” (*Ibid.*) Accordingly, the Court
9 held that Article I, section 2 “protect[s] speech and petitioning, reasonably exercised, in shopping
10 centers even when the centers are privately owned.” (*Id.* at p. 910.)

11 There can be no dispute the Grove is just such a shopping mall. Caruso himself described his
12 vision for the Grove as “a Main Street for a City that doesn’t have one.” (Trynauer, *supra.*) And the
13 Grove’s rules for non-commercial use of common areas themselves admit that it is subject to *Pruneyard*
14 and its progeny. (Viola Decl., Ex. C at p. 2.)

15 A court assessing a mall’s restrictions on expressive activity must determine the level of scrutiny
16 applicable to the challenged restriction. This assessment requires determining whether the restriction is
17 “content-based” or “content-neutral.” (*Fashion Valley Mall, LLC v. Nat’l Labor Relations Bd.* (2007) 42
18 Cal.4th 850, 865.) Restrictions that “distinguish favored speech from disfavored speech . . . are content
19 based.” (*Snatchko v. Westfield LLC* (2010) 187 Cal.App.4th 469, 481 (*Snatchko*), quoting *Turner*
20 *Broad. Sys. v. FCC* (1994) 512 U.S. 622, 643 (*Turner*).) Speech restrictions that cannot be “justified
21 without reference to the content of the regulated speech, or that were adopted by the government
22 because of disagreement with the message [the speech] conveys,” are also considered content based.
23 (*Reed v. Town of Gilbert* (2015) 576 U.S. 155, 164 (*Reed*), internal quotation marks omitted.) “By
24 contrast, laws that confer benefits or impose burdens on speech without reference to the ideas or views
25 expressed are in most instances content neutral.” (*Snatchko*, 87 Cal.App.4th at pp. 481–482, internal
26 quotation marks omitted.)

27 “[D]iscrimination among viewpoints—or the regulation of speech based on ‘the specific
28 motivating ideology or the opinion or perspective of the speaker’—is a ‘more blatant’ and ‘egregious

1 form of content discrimination.” (*Reed, supra*, 576 U.S. at p. 168, internal quotation marks omitted.)
2 Viewpoint discrimination occurs when a censor “has singled out a subset of messages for disfavor based
3 on the views expressed.” (*Matal v. Tam* (2017) 137 S. Ct. 1744, 1766.)

4 Content- and viewpoint-based restrictions are “presumptively invalid” and subject to strict
5 scrutiny. (*R.A.V. v. St. Paul* (1992) 505 U.S. 377, 382; see also *Reed, supra*, 576 U.S. at p. 163.) The
6 scrutiny applied to content- and viewpoint-based regulations under the liberty of speech clause in the
7 California Constitution is the same as that applied in the First Amendment context. (*Los Angeles*
8 *Alliance for Survival*, 22 Cal.4th at p. 364.)

9 To survive strict scrutiny, a speech restriction must be necessary to serve a compelling interest
10 and narrowly drawn to achieve that end. (*Fashion Valley, supra*, 42 Cal.4th at p. 869.) “Narrowly
11 drawn” in this context means it is the “least restrictive means of achieving [the] compelling ... interest.”
12 (*McCullen v. Coakley* (2014) 573 U.S. 464, 478 (*McCullen*)). Speech restrictions subject to strict
13 scrutiny are “presumptively invalid,” and the entity defending the restriction “bears the burden to rebut
14 that presumption.” (*United States v. Stevens* (2010) 559 U.S. 460, 468 (*Stevens*), internal quotation
15 marks omitted.) This is an extremely demanding standard. “It is rare that a regulation restricting speech
16 because of its content will ever be permissible.” (*Brown v. Entm’t Merchs. Ass’n* (2011) 564 U.S. 786,
17 799.)

18 **B. The Grove’s Actions are Viewpoint Discriminatory As-Applied to Plaintiffs’**
19 **Intended Speech**

20 The viewpoint discrimination at work in the Grove’s actions here could not be clearer. The
21 Grove treats non-commercial speech in favor of Caruso’s mayoral candidacy far differently than it treats
22 non-commercial speech opposed to Caruso’s mayoral candidacy.

23 Caruso supporters are not only allowed to march through the mall displaying Caruso for Mayor
24 signs without complying with the Grove’s rules, but the Grove even facilitates such speech by providing
25 pro-Caruso signs to pro-Caruso speakers. The Caruso campaign also holds various events at the Grove
26 without complying with the Grove’s rules.

27 But the Grove treats Caruso’s critics, including Plaintiffs, differently. Critics are told they must
28 fastidiously follow the Grove’s rules or they are not allowed to speak. The rules even threaten civil and

1 criminal penalties for any speakers who fail to comply with them. (Viola Decl., Ex. C at p. 2.)

2 Thus, the Grove does just what the viewpoint discrimination doctrine prohibits: “license one side
3 of a debate to fight freestyle, while requiring the other to follow Marquis of Queensberry rules.” (*R.A.V.*,
4 *supra*, 505 U.S. at p. 391).

5 Because the Grove treats speech favorable to Caruso’s campaign differently than speech critical
6 of Caruso’s campaign in a viewpoint-discriminatory way, the differential treatment must satisfy strict
7 scrutiny. (*Fashion Valley, supra*, 42 Cal.4th at p. 869.) Defendants cannot overcome the presumption of
8 invalidity that strict scrutiny demands.

9 It is hard for Plaintiffs to know what the Grove’s purported interest in this differential treatment
10 might be, but whatever it is, it is Defendant’s burden to establish it is compelling. (*Stevens, supra*, 559
11 U.S. at p. 468.) And it almost certainly is not. Strict scrutiny is never satisfied when the interest served
12 by the law is anything less than the most “pressing public necessity.” (*Turner, supra*, 512 U.S. at 680.) It
13 is not enough that the law would serve “legitimate, or reasonable, or even praiseworthy” ends. (*Ibid.*)
14 The Grove may wish to promote its owner’s mayoral candidacy or even a campaign headquartered there
15 as a tenant, but those are far from the types of interests of pressing public necessity that strict scrutiny
16 requires.

17 No matter what the Grove’s interest, it will be unable to show that silencing Plaintiffs and other
18 anti-Caruso speakers is the least restrictive means of obtaining its interest. Strict scrutiny “entail[s] a
19 most searching examination” and requires “the most exact connection between justification and
20 classification.” (*Gratz v. Bollinger* (2003) 539 U.S. 244, 270, internal quotation marks omitted). And no
21 matter what the Grove’s interest in treating anti-Caruso speech differently than pro-Caruso speech, there
22 is a less restrictive means of doing so. If its interest is to promote the political ambitions of the Grove’s
23 owner, perhaps recognizing that the owner being Mayor will benefit the mall’s business, or even to
24 simply promote a campaign headquartered at the Grove, it could donate to Caruso’s campaign or a PAC
25 that supports him rather than apply differential standards to speech at a public forum depending on
26 whether the speech supports or opposes Caruso’s candidacy.

27 //

28 //

1 **II. The Balance of Harms Favor Plaintiffs and Granting a Preliminary Injunction Will**
2 **Further the Public Interest**

3 Plaintiffs’ injury is ongoing and irreparable. “The loss of First Amendment freedoms, for even
4 minimal periods of time, unquestionably constitutes irreparable injury” (*Smith v. Novato Unified Sch.*
5 *Dist.* (2007) 150 Cal.App.4th 1439, 1465 (*Smith*.) And Plaintiffs’ injury is time sensitive. The mayoral
6 race, in which at least some candidates have been competing for more than two and a half years, is in its
7 final stretch. Every day that Plaintiffs are prevented from expressing their opposition to Caruso at the
8 Grove—while the Grove allows and facilitates support for Caruso—is a lost opportunity to reach voters
9 ahead of the election.

10 The Grove will suffer little-to-no harm in allowing non-commercial expressive activity in
11 opposition to Caruso’s campaign. “[U]ndifferentiated fear or apprehension of disturbance is not enough
12 to overcome the right to freedom of expression.” (*Smith, supra*, 150 Cal.App.4th at p. 1465.) Like other
13 malls, the Grove’s interest in shielding patrons from critical speech to maximize profits must yield to the
14 right of activists to engage in expressive activity. (See, e.g., *Fashion Valley, supra*, 42 Cal.4th at 869
15 [“The Mall’s purpose to maximize the profits of its merchants is not compelling compared to the
16 Union’s right to free expression”]; *Snatchko, supra*, 187 Cal.App.4th at p. 489 [“providing a stress-free
17 shopping atmosphere for patrons is not a compelling interest compared to the free speech rights of other
18 individuals at the mall”].) And the Grove’s own actions allowing and facilitating non-commercial
19 expressive activity in favor of Caruso’s campaign makes clear that the Grove does not suffer harm in
20 allowing expressive activity on the topic of the Caruso campaign generally.

21 Plaintiffs do not seek to engage in any illegal, unsafe, or disruptive activity beyond the disruption
22 inherent in in persuading people with their message. (Viola Decl. ¶ 13; Bilal Decl. ¶ 9.) In fact, Plaintiffs
23 are experienced activists who regularly engage in protest activity without causing any safety issues or
24 any interference with, or disruption of, any business operations. (Viola Decl. ¶ 14; Bilal Decl. ¶ 10.)
25 Plaintiffs do not seek a preliminary injunction to permit any lawless activity. If Plaintiffs break any law,
26 the Grove has ample private security to address any illegality. Or the Grove can summon law
27 enforcement.

28 Finally, a preliminary injunction is in the public interest. The mayoral election is of massive

1 importance to the City and its future. And the election is looming. The Grove should not be permitted to
2 stifle one side of the debate about Caruso’s campaign and candidacy.

3 The preliminary injunction will not only benefit the Plaintiffs in this suit, but any members of the
4 public who wish to engage in non-commercial expressive activity in opposition to Caruso’s campaign.
5 Courts “have . . . consistently recognized the significant public interest in upholding free speech
6 principles, as the ongoing enforcement of the potentially unconstitutional regulations . . . would infringe
7 not only the free expression interests of [plaintiffs], but also the interests of other people’ subjected to
8 the same restrictions.” (*Klein v. City of San Clemente* (9th Cir. 2009) 584 F.3d 1196, 1208.) Thus, as it
9 promotes transparency and discussion on an important and pressing issue, a preliminary injunction is in
10 the public interest and should be granted.

11 **CONCLUSION**

12 As shown above, Plaintiffs are likely to prevail in establishing that the Grove is engaging in
13 unconstitutional viewpoint discrimination by allowing and facilitating speech favorable to Caruso’s
14 campaign for mayor while prohibiting similar speech critical of Caruso’s campaign. In addition, the
15 irreparable, interim harm to Plaintiffs of not issuing the preliminary injunction would exceed the minor
16 interim harm, if any, to Defendants of issuing it. Plaintiffs request that the court grant this motion and
17 issue a preliminary prohibitive injunction restraining and enjoining Defendants, and their officers,
18 agents, employees, representatives, affiliates, and all persons acting in concert or participating with
19 them, from applying differential treatment to Plaintiffs’ peaceful expressive activity in opposition to
20 Caruso’s campaign until final judgment is issued here.

21
22 Dated: August 16, 2022

By:

23 Matthew Strugar
24 Shakeer Rahman

25 /s/ Matthew Strugar
26 Matthew Strugar
27 Attorneys for Plaintiffs Gina Viola, Youth Climate Strike
28 Los Angeles, and Sim Bilal