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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICHIKO SHIOTA GINGERY, an individual,)
et. al,)

Plaintiff,)

vs.)

CITY OF GLENDALE, a municipal)
corporation, et. al)

Defendants.)
_____)

Case No.: 2:14-cv-1291-PA-(AJWx)

[HONORABLE PERCY
ANDERSON]

EX PARTE APPLICATION ON
BEHALF OF KOREAN AMERICAN
FORUM OF CALIFORNIA TO
APPEAR AS AMICUS AND FOR
LEAVE TO FILE THE
DECLARATIONS OF IL-CHUL
KANG AND OK-SEON LEE IN
SUPPORT OF DEFENDANTS'
MOTION TO DISMISS;
MEMORANDUM OF POINTS AND
AUTHORITIES

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Applicant Korean American Forum of California hereby applies to appear as
3 amicus curiae in this action and to file two declarations recently obtained from Il-
4 Chul Kang and Ok-Seon Lee, survivors of the sexual slavery practiced by the
5 Japanese army during World War II. These survivors, who were known as
6 “comfort women” during the war, wish to make their voices heard during this
7 action in support of the City of Glendale. Applicant presents this new testimony to
8 aid the court in coming to a speedy resolution of this frivolous action to remove the
9 memorial honoring these survivors and their fellow victims. Applicant does not
10 intend to present any additional argument at this time but instead to present the
11 Court with more evidence on which to base its conclusions.

12 Applicant Korean American Forum of California has an interest in this
13 action. Applicant is an organization seeking to build memorials honoring the
14 survivors in order that, in the words of the plaque on the statue, such
15 “unconscionable violations of human rights shall never recur.” Complaint ¶11.
16 Applicant spent a great deal of time and effort, as well as its members’ money,
17 advocating and raising money for the memorial challenged in this case. Applicant
18 also has spent time and effort working with survivors to visit this country to raise
19 awareness, including at the time of the dedication of the memorial. Applicant
20 therefore believes that it can contribute a unique perspective and “relevant and
21 helpful” information to this action by filing these declarations. *Nat'l*
22 *Petrochemical & Refiners Ass'n v. Goldstene*, CVF10-163 LJO DLB, 2010 WL
23 2228471 (E.D. Cal. June 3, 2010)

24 Attorneys for Applicant left voicemails for and conferred by email with
25 Attorneys for Plaintiffs and with Attorneys for Defendants on July 21, 2014.
26 Attorneys for Plaintiffs advised Applicant that they oppose the filing of the

27 //

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1 declarations on the grounds that they are unrelated to the Plaintiffs' claims.
2 Defendants do not oppose this application for leave to file the declarations.

3

4 Dated: July 22, 2014

By: /s/ Catherine Sweetser

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PAUL L. HOFFMAN
CATHERINE SWEETSER
Attorneys for Korean American Forum
of California

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Applicant Should Be Permitted to File The Attached Declarations As They Are Relevant and Helpful for the Court

Applicant respectfully presents the court with two recently obtained declarations by Il-Chul Kang and Ok-Seon Lee, survivors of sexual slavery during World War II, in support of the motion to dismiss filed by the City of Glendale. The declarations underline the fact that this memorial is not expressing a controversial opinion; rather, the memorial represents facts and history that cannot be erased. Both sides agree that the monument does not disapprove of the Japanese people (Reply Br. in Support of Mot. To Dismiss at 2) and that the atrocities did actually occur (Opp. to Mot. to Dismiss at 12-13). However, Applicant particularly wishes to introduce these declarations given that Plaintiffs are claiming that the facts as presented in the amicus brief filed by the Global Alliance for Preserving History in WWII in Asia are somehow skewed or partisan. This testimony, presented before the court under penalty of perjury, should clarify the merits of that assertion.

This new evidence is related to the instant claims as it explains the background to the words of which Plaintiffs complain and underscores that their challenge to the memorial is meritless. The memorial is based on objective truth and the experience of survivors from World War II. The declarations support the facts detailed on the statue, namely the statement that women and girls “were coerced into sexual slavery by the Imperial Armed Forces of Japan between 1932 and 1945.” See Complaint ¶ 11. The City of Glendale has a right to speak of and to publicly remember objectively verifiable events. The statements on the plaque express historical truths. Applicant submits that the declarations filed herewith will be “of assistance to the Court in the determination of the substantive issues in this case.” *Am. Trucking Associations, Inc. v. City of Los Angeles*, CV 08-04920 CAS(CTX), 2008 WL 4381644 (C.D. Cal. Sept. 4, 2008).

1 The memorial, which was funded by Applicant, is not tantamount to
2 disapproval of the Japanese nation or people, any more than a Holocaust memorial
3 is tantamount to disapproval of the German nation or people. Rather, this
4 memorial expresses sorrow that these acts occurred, esteem for the survivors, and a
5 firm commitment that such atrocities should never recur. See Complaint ¶11. The
6 citizens of Glendale have the right to express such feelings publicly, particularly
7 given the harsh atrocities suffered by the survivors. Applicant respectfully submits
8 the declarations of these two survivors in order to provide the court with further
9 evidence on which to base its opinion.

10
11 **II. Names and Addresses of Counsel for Other Parties to this Action Pursuant
to Local Rule 7-19**

12 Pursuant to Local Rule 7-19, Applicant sets out in this memorandum the
13 names and addresses for counsel to the current parties to the action:

14 Counsel for Plaintiffs:

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20 Counsel for Defendants:

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9
10 As set forth above, counsel advised all parties by phone and email of this
11 application for leave to file the declarations.

12 Dated: July 22, 2014 By: /s/ Catherine Sweetser
13 **PAUL L. HOFFMAN**
14 **CATHERINE SWEETSER**
15 **SCHONBRUN DESIMONE SEPLOW**
16 **HARRIS & HOFFMAN LLP**
17 Attorneys for Korean American Forum of
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