

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DALE EVANS, et al.,

Plaintiffs

vs.

CITY OF LOS ANGELES, et al,

Defendants.

) Case No. CV07-07046-GAF
(CWx)

~~(PROPOSED)~~

JUDGMENT

On February 18, 2009 the United States District Court issued a ruling granting in part and denying in part the Defendants' motion for summary judgment.

At the hearing, the Court ordered as follows:

1. A triable issue of material fact existed whether there were sufficient facts to justify Officer Machado's use of deadly force.
2. The Court denied Officer Machado's request for qualified immunity;
3. The Court denied qualified immunity with respect to the issue of denial of medical care.
4. The Court granted summary judgment in favor of the defendants on Plaintiffs' *Monell* claim.

- 1 5. The Court granted Officer Machado's request for qualified immunity
- 2 on Plaintiff's conspiracy claim.
- 3 6. The Court granted summary judgment on all of plaintiff Melvin
- 4 Hilliard's state law claims for failure to comply with the state law tort
- 5 claims act.
- 6 7. The Court granted summary judgment in favor of the defendants with
- 7 respect to plaintiff Dale Evans' state law claims for intentional and
- 8 negligent infliction of emotional distress.
- 9 8. The Court permitted Dale Evans to proceed to trial on a state law
- 10 claim for negligent denial of medical care
- 11 9. The Court granted summary judgment to Defendants on Plaintiffs'
- 12 claim for state law negligent hiring training and supervision.
- 13

14 Following the Court's ruling on Defendants' Motion for Summary Judgment,
15 the Defendants filed an *Ex Parte* Application for Reconsideration of Evans' right to
16 proceed on her remaining state law claims. The Court granted the Defendants' *ex*
17 *parte* application and dismissed Dale Evans' state law claims.

18 The Defendants then filed an appeal with the 9th Circuit Court of Appeals
19 with respect to the issue of qualified immunity. The appeal was granted on July 26,
20 2011. In its order, the 9th Circuit granted qualified immunity to Officer Mahcado
21 with respect to the use of force claim and the deliberate indifference claim.

22 Given that the plaintiffs' state law claims were dismissed by the district
23 court, and the 9th Circuit Court of Appeals found qualified immunity for the federal
24 claims, this case has been fully resolved.

25 ///

26 ///

27 ///

28

ORDER

1
2
3 Therefore, IT IS HEREBY ORDERED, DECREED AND ADJUDGED that
4 judgment on the merits be entered in favor of Defendants, CITY OF LOS
5 ANGELES, WILLIAM BRATTON, AND DARIO MACHADO, and against
6 Plaintiffs DALE EVANS AND MELVIN HILLIARD, Sr.; that the Plaintiffs take
7 nothing; and that Defendants CITY OF LOS ANGELES, WILLIAM BRATTON,
8 and DARIO MACHADO, be entitled to recover their costs from the Plaintiffs in
9 accordance with Local Rule 54.
10
11

12
13 DATED: Sept. 19, 2011


HONORABLE CARLA WOHRLE
United States Magistrate Judge