

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

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ERNEST J. FRANCESCHI, JR. ,

Plaintiff,

v.

**JOHN CHIANG, President of
California Franchise Tax Board in his
Official Capacity; JEROME E.
HORTON, Board Member of the
California Franchise Tax Board in his
Official Capacity; MICHAEL
COHEN, Board Member of the
California Franchise Tax Board in his
Official Capacity; GEORGE
VALDEVERDE, Director of the
California Department of Motor
Vehicles in his Official Capacity,**

Defendants.

CV 14-1960-CAS(SHx)
**[PROPOSED] JUDGMENT AND
ORDER**

Date: August 4, 2014
Time: 10:00 a.m.
Courtroom: 5
Judge: Hon. Christina A. Snyder

Action Filed: 3/14/2014

The above-entitled matter came on calendar in Courtroom 5 on August 4, 2014, Judge Christina A. Snyder presiding.. Attorney Ernest J. Franceschi, Jr. appeared in pro se and attorney Leslie Branman Smith, Deputy Attorney General, State of California Department of Justice, appeared for defendants John Chiang, Jerome E. Horton, Michael Cohen and George Valverde.

1 The following events took place:

2 On May 28, 2014, plaintiff filed a Notice of Motion and Motion for
3 Preliminary Injunction against defendants. Document 21.

4 On or about June 10, 2014, defendants filed an Opposition to Motion for
5 Issuance of a Preliminary Injunction. Document 24.

6 On June 12, 2014, defendants filed a Notice of Motion and Motion to Dismiss
7 Plaintiff's Complaint for Declaratory and Injunctive Relief. Document 26.

8 On July 7, 2014, plaintiff filed a Reply Motion for Preliminary Injunction
9 against defendants, Document 30.

10 On July 7, 2014, plaintiff filed an Opposition to Motion to Dismiss Plaintiff's
11 Complaint for Declaratory and Injunctive Relief, Document 31.

12 On July 21, 2014, defendants filed a Reply to Plaintiff's Opposition to
13 defendants' Motion to Dismiss, Document 34.

14 Both motions were scheduled to be heard on August 4, 2014 at 10:00 a.m.,
15 Document 33.

16 The matter came on for hearing on August 4, 2014, before the Honorable
17 Christina A. Snyder. After reviewing all of the documents filed in this matter and
18 after hearing oral argument, the Court ruled that the defendants' Motion to Dismiss
19 Plaintiff's Complaint was granted without leave to amend. The Court also found
20 that plaintiff's Motion for a Preliminary Injunction should be denied without
21 prejudice as moot.

22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

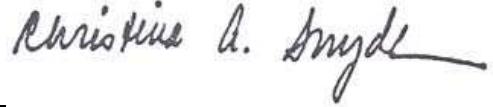
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE COURT HEREBY ORDERS:

1. Judgment in favor of the defendants John Chiang, Jerome E. Horton, Michael Cohen and George Valverde.

2. All parties to bear their own costs.

Dated: August 18, 2014



Christina A. Snyder

Judge of the Central District Court
of California

LBS:NR
LA2014511549
80934510.doc