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United States District Court
Central District of California

MARLENE M PINNOCK,
Plaintiff,

v.

JOHN DOE; CHP COMMISSIONER
JOSEPH FARROW; C.H.P. OFC.D.
ANDREW #20470; C.H.P.
INVESTIGATOR S. TAKETA #16454;
DOES 2–10,
Defendants.

Case № 2:14-cv-05551-ODW(ASx)

**ORDER GRANTING STIPULATION
TO DISMISS CLAIMS FOR RELIEF
AS TO THE *MONELL*
ALLEGATION AGAINST
DEFENDANT JOSEPH FARROW IN
HIS OFFICIAL CAPACITY [26]**

On August 20, 2014, Plaintiff Marlene M. Pinnock and Defendant Joseph Farrow filed a rather incomprehensible Stipulation and [Proposed] Order re Dismissal of Claims for Relief as to the *Monell* Allegation Against Defendant Joseph Farrow in His Official Capacity. (ECF No. 26.) From what the Court can glean from the document, Pinnock agreed to just excise her *Monell* claim from her First Amended Complaint, leaving everything else intact.

Pinnock and Farrow indicate that they arrived at this stipulation following the counsel of parties required by Local Rule 7-3. But the whole point behind Rule 7-3 is for parties to resolve their disputes before seeking relief from the Court. By

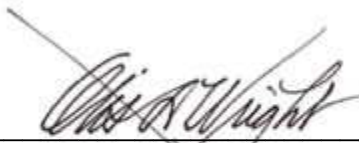
1 “stipulating” to dismissal of one claim now after several motion to dismiss and strike
2 have been filed, Pinnock and Farrow have only compounded the problems—not
3 lessened them. Pinnock should have amended her complaint to remove the *Monell*
4 allegations as permitted by Federal Rule of Civil Procedure 15(a)(1)(B), which would
5 have mooted Farrow’s arguments with respect to this claim.

6 But instead of subjecting counsel for all Defendants to submitting modified
7 motions after Pinnock were to file an amended complaint, the Court instead will
8 dismiss the *Monell* claim via Farrow’s Motion to Dismiss once the Court ultimately
9 rules upon that Motion. The Court expects Pinnock to address this Stipulation where
10 necessary in her oppositions to the pending motions.

11 The Court accordingly **GRANTS** the parties’ Stipulation. (ECF No. 26.) As
12 the Court stated earlier today, the parties and counsel have a duty to comply with all
13 applicable rules. The Court will expect strict compliance with Local Rule 7-3 in the
14 future and will not accommodate further procedural blunders.

15 **IT IS SO ORDERED.**

16
17 August 20, 2014

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20 **OTIS D. WRIGHT, II**
21 **UNITED STATES DISTRICT JUDGE**
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