

JS-6

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

SUSAN MELLEN, JULIE CARROLL,
JESSICA CURCIO AND DONALD
BESCH,

Plaintiffs,

v.

CITY OF LOS ANGELES;
MARCELLA WINN; RICHARD
HOFFMAN; AND DOES 1-10
INCLUSIVE

Defendants.

Case No. CV 15-3006-GW(AJWx)
Hon. George H. Wu

**JUDGMENT ON ORDER
GRANTING MOTION FOR
SUMMARY JUDGMENT**

Action Filed: April 22, 2015

Defendants filed a Joint Motion for Summary Judgment on March 25, 2016 [Docket No. 78]. The City of Los Angeles was dismissed on or about April 1, 2016. [Docket No. 86]. The Court heard oral argument on defendant Winn’s motion on three occasions: May 16, 2016, May 19, 2016 and November 21, 2016. After full consideration of all the moving, opposing, and reply papers, the documents and pleadings submitted and judicially noticed, the admissible evidence

1 and separate statements offered by all parties, and multiple oral arguments of
2 counsel for both parties, the Court finds that the moving party, defendant
3 MARCELLA WINN, is entitled to summary judgment as a matter of law in
4 accordance with the order granting Defendant's Motion for Summary Judgment
5 [Docket No. 217] and as follows:
6

- 7 1. Plaintiffs have failed as a matter of law to establish a *Brady* violation;
- 8 2. Plaintiffs have failed as a matter of law to establish a failure to
9 investigate claim under 42 U.S.C. section 1983;
- 10 3. Plaintiffs' claim for a violation of due process and familial association
11 fails as a matter of law on the basis that plaintiff Susan Mellen has not
12 established that any of her constitutional rights were violated; and
13 4. Defendant Winn enjoys qualified immunity on the *Brady* claim.

14 THEREFORE, IT IS HEREBY ORDERED and ADJUDGED that defendant
15 MARCELLA WINN is entitled to summary judgment as a matter of law and
16 plaintiffs shall take nothing by reason of their First Amended Complaint against
17 defendant, the action is dismissed with prejudice and defendant WINN shall
18 recover from plaintiffs her costs of action in the sum to be determined by the filing
19 of a properly noticed Bill of Costs.
20
21
22
23
24

25 Dated: January 3, 2017



26
27 Hon. George H. Wu
28 United States District Judge