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

MORAYON SIMMONS, an individual,

Plaintiff,

vs.

CITY OF LOS ANGELES, a municipal
entity,

Defendant.

CASE No. 2:20-CV-10779-RGK-E
Hon. Gary R. Klausner, Roybal, Crtrm 850
Hon. Charles F. Eick, Roybal, Crtrm 750

**~~[PROPOSED]~~ JUDGMENT FOR
DEFENDANT LAPD'S MOTION
FOR SUMMARY JUDGMENT**

On September 22, 2021, Defendant Los Angeles Police Department filed its Motion for Summary Judgment, or in the alternative, Motion for Partial Summary Judgment. Plaintiff opposed the Motion. Defendant filed a timely Reply to Plaintiff's Opposition. The matter was taken under submission prior to the scheduled October 25, 2021 hearing date. Pursuant to the parties' stipulation, this Court previously dismissed the state law claims for malicious prosecution and negligence, as well as the references to the Fifth and Eighth Amendments.

On November 17, 2021, this Court granted the LAPD's Motion for Summary Judgment in its entirety. In doing so, the Court dismissed, without prejudice, the City

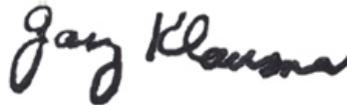
1 of Los Angeles, County of Los Angeles and Jonathan Kincaid as a result of Plaintiff's
2 failure to timely serve them.

3 The Court granted the LAPD's motion for Summary Judgment as to all remaining
4 claims. Accordingly, Judgment is hereby entered in favor of the Los Angeles Police
5 Department and against the Plaintiff. As the prevailing party, Defendant Los Angeles
6 Police Department, may now seek recovering of its costs and if it so elects, meet and
7 confer with Plaintiff's counsel, regarding a Motion for Attorneys' fees pursuant to
8 Local Rule 7-3 and 42 U.S.C. Section 1988.

9 Accordingly, the Pre-Trial Conference scheduled for November 22, 2021 and Trial
10 currently scheduled for December 7, 2021, are hereby VACATED.

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13 **IT IS SO ORDERED:**

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15 DATED: November 17, 2021



16 **HONORABLE GARY R. KLAUSNER**
17 **UNITED STATES DISTRICT COURT JUDGE**