

E-FILED 10/30/15

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

MICHAEL NICHOLS, MINDY NICHOLS, and GEORGIA NICHOLS,

Plaintiff,

v.

CITY OF PALM SPRINGS, RAE FERNANDEZ, GUILLERMO "GIL" FERNANDEZ, MATT BEARD, and DOES 1-50,

Defendants.

CASE NO: EDCV14-01553 PSG (ASx)
BEFORE THE HONORABLE PHILIP S. GUTIERREZ
COURTROOM 880

~~[PROPOSED]~~ JUDGMENT

On October 6, 2014, this Court granted the motion to dismiss filed by Defendants CITY OF PALM SPRINGS, dismissing the claim alleged against it with leave to amend, specifically stating that if Plaintiffs MICHAEL NICHOLS, MINDY NICHOLS, and GEORGIA NICHOLS did not timely amend the dismissal would be with prejudice. Plaintiffs did not amend their complaint such that the claim for which leave to amend was given was deemed dismissed.

On October 21, 2015, this Court granted the motion for summary judgment brought by Defendants GUILLERMO FERNANDEZ, MATT BEARD and RAE FERNANDEZ, as employees of CITY OF PALM SPRINGS, a public entity, in its entirety.

WOODRUFF, SPRADLIN & SMART ATTORNEYS AT LAW COSTA MESA

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

All claims having been adjudicated in favor of Defendants,

NOW, THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs
MICHAEL NICHOLS, MINDY NICHOLS, and GEORGIA NICHOLS shall take
nothing by way of their complaint against Defendants CITY OF PALM SPRINGS,
GUILLERMO FERNANDEZ, MATT BEARD and RAE FERNANDEZ. Said
Defendants shall recover from Plaintiffs their costs of suit incurred in this proceeding.

DATED: 10/30/15

PHILIP S. GUTIERREZ

HONORABLE PHILIP S. GUTIERREZ
JUDGE OF THE UNITED STATES
DISTRICT COURT

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

3 I am over the age of 18 and not a party to the within action; I am employed by
4 WOODRUFF, SPRADLIN & SMART in the County of Orange at 555 Anton
Boulevard, Suite 1200, Costa Mesa, CA 92626-7670.

5 On October 23, 2015, I served the foregoing document(s) described as
6 **[PROPOSED] JUDGMENT**

7 by placing the true copies thereof enclosed in sealed envelopes addressed as
stated on the attached mailing list;

8 **(BY MAIL)** I placed said envelope(s) for collection and mailing, following
9 ordinary business practices, at the business offices of WOODRUFF,
10 SPRADLIN & SMART, and addressed as shown on the attached service list,
for deposit in the United States Postal Service. I am readily familiar with the
11 practice of WOODRUFF, SPRADLIN & SMART for collection and processing
correspondence for mailing with the United States Postal Service, and said
12 envelope(s) will be deposited with the United States Postal Service on said date
in the ordinary course of business.

13 **(BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be
14 electronically filed using the Court's Electronic Filing System which constitutes
service of the filed document(s) on the individual(s) listed on the attached
mailing list.

15 **(BY OVERNIGHT DELIVERY)** I placed said documents in envelope(s) for
16 collection following ordinary business practices, at the business offices of
WOODRUFF, SPRADLIN & SMART, and addressed as shown on the attached
17 service list, for collection and delivery to a courier authorized by
to receive said documents, with delivery fees
18 provided for. I am readily familiar with the practices of WOODRUFF,
SPRADLIN & SMART for collection and processing of documents for
19 overnight delivery, and said envelope(s) will be deposited for receipt by
on said date in the ordinary course of business.

20 **(BY FACSIMILE)** I caused the above-referenced document to be transmitted
21 to the interested parties via facsimile transmission to the fax number(s) as stated
on the attached service list.

22 **(BY PERSONAL SERVICE)** I delivered such envelope(s) by hand to the
23 offices of the addressee(s).

24 (Federal) I declare that I am employed in the office of a member of the bar of
25 this court at whose direction the service was made. I declare under
penalty of perjury that the above is true and correct.

26 Executed on October 23, 2015, at Costa Mesa, California.

27 s/ Laura F. Perez
28 LAURA F. PEREZ

1 **MICHAEL NICHOLS, et al. v. CITY OF PALM SPRINGS, et al.**

2 **ASSIGNED FOR ALL PURPOSES TO**
3 **HONORABLE PHILIP S. GUTIERREZ**
4 **REFERRED TO MAGISTRATE JUDGE ALKA SAGAR**

5 **USDC, CENTRAL DISTRICT OF CALIFORNIA**
6 **CASE NO: EDCV14-01553 PSG (ASx)**

7 **SERVICE LIST**

8 Mark John Geragos
9 Benjamin Jared Meiselas
10 GERAGOS AND GERAGOS, APC
11 Historic Engine Co. No. 28
12 644 S. Figueroa Street
13 Los Angeles, CA 90017
14 Telephone: (213) 625-3900
15 Facsimile: (213) 232-3255
16 Email: mark@geragos.com
17 Email: meislas@geragos.com

Attorneys for Plaintiffs
MICHAEL NICHOLS, MINDY
NICHOLS, and GEORGIA NICHOLS

18
19
20
21
22
23
24
25
26
27
28
8/6/15