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**FILED**  
LOS ANGELES SUPERIOR COURT

SEP 14 1998

JOHN A. CLARKE, CLERK  
BY J. LORENZ, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

ANTHONY MARIO ASSENZA, et al.,  
Plaintiffs/Petitioners,  
vs.  
CITY OF LOS ANGELES, et al.,  
Defendants/Respondents.

Case No. BC 115 813

**ORDER**

1. So much of that certain paper filed 17 August 1998 and entitled "PLAINTIFFS [sic] AND/OR APPLICANT'S OPENING BRIEF AS PER COURT ORDER OF JULY 27, 1998" as seeks to assert the doctrine of *res judicata* at 2:25-4:20 thereof is stricken by reason of the failure of such parties to comply with Rule 313, subd.(a) and (b), *California Rules of Court*.

1.1 Applicants will recall that a memorandum of points and authorities "[S]hall contain.... a concise statement of the law relied on, and a discussion of the.... cases... cited in support of the position advanced in (Rule 313, subd. (b)); the omission of the requisite authorities "may be construed by the court as an admission that the [position advanced] is not meritorious and cause for its denial (*id.* at subd. (a)).

1.2 From all that appears in the stricken section of the above-referenced

1 paper, movants assert that a stipulated determination as to the existence of good  
2 cause, however long ago such stipulation was made and judicially approved, operates *ex*  
3 *proprio vigore* to establish for all time the existence of such cause. In the court's view, the  
4 adoption of the rule apparently contended for by movants carries with it the potential for  
5 disregard of possible changes in the relevant evidence or applicable law arising between date  
6 of entry of stipulated judgment and a later-occurring dispute between the parties litigant on  
7 the issue of concern.

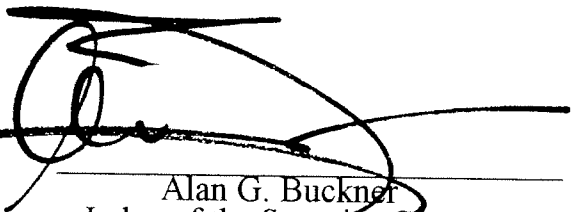
8 2. That certain paper filed 1 September 1998 and entitled "PLAINTIFFS'  
9 OPENING BRIEF AS PER COURT ORDER OF AUGUST 19, 1998" is stricken by reason  
10 of the failure of such parties to comply with the dual filing requirements set out at page 7,  
11 lines 13-17 of the cited Order.

12 3. That certain paper filed for September 1998 and entitled "JOINT PROPOSED  
13 QUESTIONS TO BE PROPOUNDED TO COURT - UPON AN EXPERT" is stricken by  
14 reason of the failure of all parties to comply with the filing requirement set out at page 7, line  
15 17 of the above-mentioned Order.

16 4. By virtue of the foregoing, the 25 September 1998 hearing date on the above-  
17 entitled matter is vacated *sine die*, and shall not be restored to the calendar until such time as  
18 the defects noted at ¶1-3, *ante* have been remedied. Counsel shall in future to conduct  
19 themselves in conformity with the fundamental and basic rules cited above.

20 The Clerk of Court to serve notice both by facsimile and post.

21 Dated: 14 September 1998

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23 \_\_\_\_\_  
24 Alan G. Buckner  
Judge of the Superior Court

25 AGB:gg  
26 Buckner #2

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