

1 **JONATHAN W. BIRDT**
2 18252 Bermuda St.
3 Porter Ranch, CA 91326
4 Telephone: (818) 400-4485
5 Facsimile: (818) 428-1384
6 jon@jonbirdt.com

7 **UNITED STATES DISTRICT COURT**
8
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 JONATHAN BIRDT,) **CASE NO. EDCV 13-00673-VAP**
12)
13 Plaintiff,) **NOTICE OF CONTINUED FAILURE**
14) **TO COMPLY WITH COURT ORDER**
15 vs.)
16)
17 SAN BERNARDINO SHERIFFS)
18 DEPARTMENT,)
19 Defendants.)
_____)

20 More than a week has passed since this court ordered Defendant to produce the
21 records previously filed under seal. This Court has also advised Plaintiff that he
22 needs to amend the complaint, but having returned to California, Plaintiff has
23 confirmed that the Defendant has not complied with the order to immediately produce
24 the records filed under seal. In an effort to see if there was a problem with counsel,
25 Plaintiff reviewed the county counsel website which states:

26 The San Bernardino County Sheriff’s Department has two members of the
27 Office of County Counsel assigned as Sheriff’s legal counsel. Legal counsel
28 advises the Office of the Sheriff and represents the Department in
administrative and judicial proceedings.

1 Counsel meets weekly with the Board of Deputy Chiefs and the Office of the
2 Sheriff to discuss current law enforcement issues, policies, legislation, pending
litigation and other matters affecting the Department.

3 Cynthia O'Neill advises on labor and employment matters, sits on the
4 Department's personnel records retention and legislative committees, and
5 represents the Department in arbitration, employment litigation, and before the
Civil Service Commission.

6 Algeria Ford and Rick Van Frank from the Office of The County Counsel
7 assist in the employment law assignment by representing the Department in
Civil Service Commission hearings and civil litigation.

8 Steve Singley advises on most non-employment related matters, including
9 issues concerning the detention and corrections bureau, the civil division, court
10 services, coroner division, the administration bureau, responds to various
11 motions and subpoenas, reviews contracts and memoranda of understanding
with vendors and other agencies, replies to Public Record Act requests and
provides general legal advice to the Department

12
13 As such, Plaintiff contacted attorney Singley to see if there was a problem with
14 attorney Ford and to inquire as to why the county was still requiring forms in
15 violation of State Law and did not post its policies- Mr. Singley simply referred the
16 matter back to attorney Ford. Plaintiff cannot even begin to consider an amended
17 complaint without viewing the documents lodged with the court, and continues to
18 believe the best and most expeditious manner to handle this matter is an order simply
19 substituting the real party in interest, i.e. John McMahon as Defendant, but while
20 Defendant flaunts the orders of this Court and continues to deny that the Second
21 Amendment affords a Fundamental civil liberty, Plaintiffs hands are tied absent
22 Judicial intervention.

23 June 18, 2014

/s/

24
25 _____
Jonathan W. Birdt