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 TORRANCE POLICE DEPARTMENT

13
 14 UNITED STATES DISTRICT COURT
 15 CENTRAL DISTRICT OF CALIFORNIA

16 ROBERT THOMSON,
 17 Plaintiff,
 18 vs.
 19 TORRANCE POLICE DEPARTMENT
 and THE LOS ANGELES COUNTY
 20 SHERIFFS DEPARTMENT,
 21 Defendants.

Case No. CV11-06154 SJO (JCx)

**DEFENDANT TORRANCE POLICE
 DEPARTMENT'S (i) OBJECTION
 TO PLAINTIFF'S SECOND
 AMENDED COMPLAINT, AND
 (ii) REQUEST FOR DISMISSAL**

Date Action Filed: July 26, 2011

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1 During the Scheduling Conference on October 24, 2011, the Court ordered
2 Plaintiff Robert Thomson to file his proposed Second Amended Complaint (“SAC”)
3 by October 31, 2011. When Plaintiff improperly filed the proposed SAC on
4 October 31, 2011, the Court issued an Order striking the SAC for failure to comply
5 with the Local Rules, General Order, and/or the Courts Case Management Order on
6 November 1, 2011. *Plaintiff took no action in response to the Order.*

7 Two weeks later, on November 15, 2011, the Court issued another Order,
8 ordering Plaintiff to refile his proposed SAC by not later than November 21, 2011 in
9 compliance with the Courts Electronic case filing system. The Order explicitly
10 stated: “Failure to comply *shall result in dismissal of this action.*” (Emph. added.)
11 On November 15, 2011, Plaintiff again improperly filed the proposed SAC.

12 On November 18, 2011, the Court, yet again, issued an Order striking the
13 proposed SAC for failure to comply with the Local Rules, General Order, and/or the
14 Courts Case Management Order.

15 Finally, on November 22, 2011, *a day after the Court-imposed deadline,*
16 Plaintiff properly filed the proposed SAC.

17 Defendant Torrance Police Department (“TPD”) objects to the proposed
18 SAC, and requests that it be stricken and the action dismissed. Plaintiff’s failure, *on*
19 *several occasions,* to comply with the Court’s most basic directives should lead to
20 dismissal, as explicitly stated by the Court in its November 15, 2011 Order. TPD
21 should not have to expend public resources responding to pleadings that have been
22 deficiently filed after the Court expressly warned Plaintiff of the consequences that
23 would ensue from Plaintiff’s tardy filing.

24 Dated: December 5, 2011

RUTAN & TUCKER, LLP

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26 By: 
27 Ajit Singh Thind
28 Attorneys for Defendant
TORRANCE POLICE
DEPARTMENT