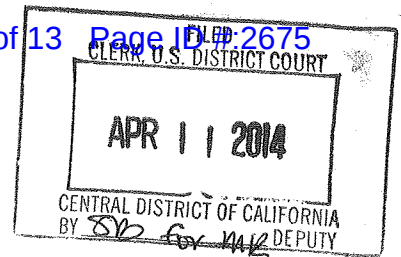


**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF DOCUMENT DISCREPANCIES**



To: ☐ U.S. District Judge / ☒ U.S. Magistrate Judge SEGAL

From: Shea Bourgeois, Deputy Clerk Date Received: 04/09/14

Case No.: 2:11-cv-09916-SJO-SS Case Title: Charles Nichols v. Edmund G Brown Jr et al

Document Entitled: REQUEST FOR RULING ON SUBMITTED MATTER (2)

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- |  |   |
|--|---|
| <input type="checkbox"/> Local Rule 5-4.1  | Documents must be filed electronically                                      |
| <input type="checkbox"/> Local Rule 6-1    | Written notice of motion lacking or timeliness of notice incorrect          |
| <input type="checkbox"/> Local Rule 7-19.1 | Notice to other parties of ex parte application lacking                     |
| <input type="checkbox"/> Local Rule 7.1-1  | No Certification of Interested Parties and/or no copies                     |
| <input type="checkbox"/> Local Rule 11-3.1 | Document not legible  |
| <input type="checkbox"/> Local Rule 11-3.8 | Lacking name, address, phone, facsimile numbers, and e-mail address         |
| <input type="checkbox"/> Local Rule 11-4.1 | No copy provided for judge  |
| <input type="checkbox"/> Local Rule 11-6   | Memorandum/brief exceeds 25 pages   |
| <input type="checkbox"/> Local Rule 11-8   | Memorandum/brief exceeding 10 pages shall contain table of contents         |
| <input type="checkbox"/> Local Rule 15-1   | Proposed amended pleading not under separate cover                          |
| <input type="checkbox"/> Local Rule 16-7   | Pretrial conference order not signed by all counsel                         |
| <input type="checkbox"/> Local Rule 19-1   | Complaint/Petition includes more than 10 Does or fictitiously named parties |
| <input type="checkbox"/> Local Rule 56-1   | Statement of uncontroverted facts and/or proposed judgment lacking          |
| <input type="checkbox"/> Local Rule 56-2   | Statement of genuine disputes of material fact lacking                      |
| <input type="checkbox"/> Local Rule 83-2.5 | No letters to the judge   |
| <input type="checkbox"/> Fed. R. Civ. P. 5 | No proof of service attached to document(s)                                 |
| <input checked="" type="checkbox"/> Other: | <u>BOTH PARTIES HAVE NOT SIGNED THE DOCUMENT</u>                            |

Please refer to the Court's website at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov) for Local Rules, General Orders, and applicable forms.

**ORDER OF THE JUDGE/MAGISTRATE JUDGE**

IT IS HEREBY ORDERED:

- ☐ The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel\* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date

U.S. District Judge / U.S. Magistrate Judge

- ☒ The document is **NOT** to be filed, but instead **REJECTED**, and is ORDERED returned to counsel.\* Counsel\* shall immediately notify, in writing, all parties previously served with the attached documents that said documents have **not** been filed with the Court.

Date

U.S. District Judge / U.S. Magistrate Judge

\* The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

COPY 1 -ORIGINAL-OFFICE

COPY 2 -JUDGE

COPY 3 -SIGNED & RETURNED TO FILER

COPY 4 -FILER RECEIPT

IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL  
DISTRICT OF CALIFORNIA WESTERN DIVISION

**CHARLES NICHOLS,**

Plaintiff,

v.

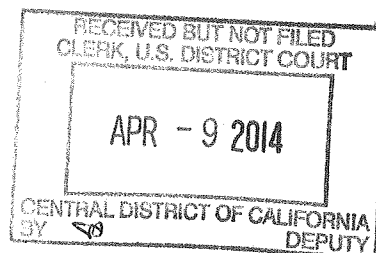
**EDMUND G. BROWN JR., in his  
official capacity as Governor of  
California, KAMALA D. HARRIS, in  
her official capacity as Attorney  
General of California, CITY OF  
REDONDO BEACH, CITY OF  
REDONDO BEACH POLICE  
DEPARTMENT, CITY OF  
REDONDO BEACH POLICE  
CHIEF JOSEPH LEONARDI and  
DOES 1 to 10,**

Defendants.

Case No.: CV-11-9916 SJO (SS)

**REQUEST FOR RULING ON  
SUBMITTED MATTER**

Date: NA  
Time: NA  
Crtrm: 1 – 2nd Floor  
District Judge: S. James Otero  
Trial Date: None  
Action Filed: November 30, 2011



1 The Motion for Judgment on the Pleadings was submitted for ruling in this  
2 matter on December 3rd, 2013 and more that 120 days have elapsed. To date, no  
3 ruling has issued. Opposing counsel declined to file a Joint Request (see attached  
4 Exhibit A). Plaintiff Nichols hereby complies with Local Rule L.R. 83-9.2 by  
5 advising the Court of same and respectfully requesting a ruling in this matter.  
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20 April 4, 2014



Charles Nichols  
Plaintiff In Pro Per

24 April 4, 2014

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JONATHAN M. EISENBERG  
Deputy Attorney General  
*Attorney for Defendant California*  
*Attorney General Kamala D. Harris*

**“EXHIBIT A”**

[Print](#) | [Close Window](#)

**Subject:** RE: Corrected pdf - Nichols v. Brown L.R. 89-2 Joint Request for Ruling  
**From:** Jonathan M Eisenberg <Jonathan.Eisenberg@doj.ca.gov>  
**Date:** Fri, Apr 04, 2014 8:12 am  
**To:** Charles Nichols <charlesnichols@pykrete.info>

Charles,

Both the AG and you declined to proceed before the magistrate judge (Segal), but that declination does not prevent the district judge (Otero) from referring certain matters to the magistrate judge for reports and recommendations. The district judge still must make the actual rulings on the referred matters, and there will be such rulings by the district judge on the dueling, potentially dispositive motions. As I said before, by my reading of the local rules, it is not time yet to request that the district judge issue rulings on the motions. Obviously, I can't stop you from filing that kind of request, but if you do make such a request and make a reference to the AG, you should say not that the AG is refusing to comply with the local rules, but that the AG does not believe that the local rules compel the filing of the request at this time.

Sincerely,

Jonathan

---

**From:** Charles Nichols [charlesnichols@pykrete.info]  
**Sent:** Thursday, April 03, 2014 10:10 PM  
**To:** Jonathan M Eisenberg  
**Subject:** RE: Corrected pdf - Nichols v. Brown L.R. 89-2 Joint Request for Ruling

The local rules do not provide an exception for reports and recommendations by a magistrate judge, particularly one to which I filed a declination to proceed before, or any exceptions for that matter.

Your Motion for Judgment on the pleadings was taken under submission when your Reply In Support of Motion For Judgment on the Pleadings (Dkt. # 142) was filed on December 3rd, 2013 (see L.R. 83-9.1.1(a) "Submitted" Defined). More than 120 days have passed. We are required by L.R. 83-9.2 to file the joint notice.

If it is still your intention not to file the Joint Request, kindly notify me via e-mail and I will file a lone request "that a decision be made without further delay" and note that you refused to comply with L.R. 83-9.2.

Should there be no decision on my Motion for Partial Summary Judgment next week, the same rules require a Joint Request be filed in that matter as well.

If it is your intention not to file the Joint Request in regards to my MPSJ as well then please indicate as such in your reply to this email.

regards,

Charles Nichols  
Nichols v. Brown

Case No.: CV-11-9916 SJO (SS)

----- Original Message -----

Subject: RE: Corrected pdf - Nichols v. Brown L.R. 89-2 Joint Request  
for Ruling

From: Jonathan M Eisenberg <Jonathan.Eisenberg@doj.ca.gov><mailto:Jonathan.Eisenberg@doj.ca.gov>

Date: Thu, April 03, 2014 9:43 pm

To: Charles Nichols <charlesnichols@pykrete.info><mailto:charlesnichols@pykrete.info>>

Charles,

Again, please call me "Jonathan."

I think that it would be premature to make the filing that you suggest. Judge Otero gets 120 days to rule after (1) receiving the R & R plus (2) any objections to the R & R and (3) any objections to the objections to the R & R. To my understanding, the 120-day clock hasn't even begun to run. Therefore, I decline to make the filing that you suggest, at this time.

Sincerely,

Jonathan

---

From: Charles Nichols [charlesnichols@pykrete.info<mailto:charlesnichols@pykrete.info>]

Sent: Thursday, April 03, 2014 7:49 PM

To: Jonathan M Eisenberg

Subject: Corrected pdf - Nichols v. Brown L.R. 89-2 Joint Request for Ruling

Attached is a corrected pdf. I had forgotten to type my name just below the signature line.

---

Mr. Eisenberg,

Attached is a pdf of a Joint Request for Ruling which we are required to file jointly pursuant to L.R. 89-2. Please let me know when you have electronically filed it. Also, L.R. 89-2 requires that a copy be sent to the Chief Judge as well.

The language is identical to that filed in the case of RAULINATIS v. VENTURA COUNTY SHERIFFS DEPARTMENT CASE NO. CV 13-2605MAN Dkt. #24.

regards,

Charles Nichols

Nichols v. Brown

Case No.: CV-11-9916 SJO (SS)

A-2

CERTIFICATE OF SERVICE

On this, the 7th day of April, 2014, I caused to be served a copy of the foregoing **REQUEST FOR RULING ON SUBMITTED MATTER** by US Mail on:

Jonathan Michael Eisenberg  
Office of the California Attorney General  
Government Law Section  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
213-897-6505  
213-897-1071 (fax)  
jonathan.eisenberg@doj.ca.gov  
LEAD ATTORNEY / ATTORNEY TO BE NOTICED representing Kamala D Harris  
(Defendant).

Executed this the 7th day of April, 2014 in Los Angeles County by:



Charles Nichols

1 Charles Nichols  
2 PO Box 1302  
3 Redondo Beach, CA 90278  
4 Voice: (424) 634-7381  
5 E-Mail: CharlesNichols@Pykrete.info  
6 In Pro Per  
7  
8  
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11 IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL  
12 DISTRICT OF CALIFORNIA WESTERN DIVISION  
13

14 **CHARLES NICHOLS,**

15 Plaintiff,

16 v.

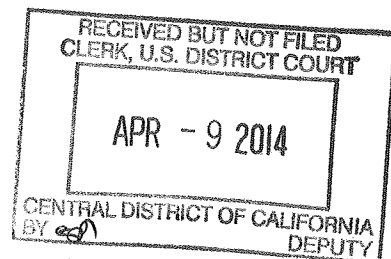
17 **EDMUND G. BROWN JR., in his**  
18 **official capacity as Governor of**  
19 **California, KAMALA D. HARRIS, in**  
20 **her official capacity as Attorney**  
21 **General of California, CITY OF**  
22 **REDONDO BEACH, CITY OF**  
23 **REDONDO BEACH POLICE**  
24 **DEPARTMENT, CITY OF**  
25 **REDONDO BEACH POLICE**  
26 **CHIEF JOSEPH LEONARDI and**  
27 **DOES 1 to 10,**

28 Defendants.

Case No.: CV-11-9916 SJO (SS)

**REQUEST FOR RULING ON  
SUBMITTED MATTER**

Date: NA  
Time: NA  
Crtrm: 1 – 2nd Floor  
District Judge: S. James Otero  
Trial Date: None  
Action Filed: November 30, 2011





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2 matter on December 9th, 2013 and more that 120 days have elapsed. To date, no  
3 ruling has issued. Opposing counsel declined to file a Joint Request (see attached  
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20 April 9, 2014



Charles Nichols

Plaintiff In Pro Per

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23  
24 April 9, 2014

---

JONATHAN M. EISENBERG

Deputy Attorney General

*Attorney for Defendant California*

*Attorney General Kamala D. Harris*

**“EXHIBIT A”**

[Print](#) | [Close Window](#)

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regards,

Charles Nichols  
Nichols v. Brown

A-1

Case No.: CV-11-9916 SJO (SS)

----- Original Message -----

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regards,

Charles Nichols

Nichols v. Brown

Case No.: CV-11-9916 SJO (SS)

A-2

CERTIFICATE OF SERVICE

On this, the 9th day of April, 2014, I caused to be served a copy of the foregoing  
**REQUEST FOR RULING ON SUBMITTED MATTER** by US Mail on:

Jonathan Michael Eisenberg  
Office of the California Attorney General  
Government Law Section  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
213-897-6505  
213-897-1071 (fax)  
jonathan.eisenberg@doj.ca.gov  
LEAD ATTORNEY / ATTORNEY TO BE NOTICED representing Kamala D Harris  
(Defendant).

Executed this the 9th day of April, 2014 in Los Angeles County by:



Charles Nichols