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7
8 Attorneys for Defendants
CITY OF REDONDO BEACH, JOSEPH
LEONARDI and TODD HEYWOOD
9

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12

13 CHARLES NICHOLS,

14 Plaintiff,
15 vs.

16 KAMALA D. HARRIS, Attorney
General, in her official capacity as
Attorney General of California, CITY
17 OF REDONDO BEACH, CITY OF
REDONDO BEACH POLICE CHIEF
18 JOSEPH LEONARDI, OFFICER TODD
HEYWOOD and DOES 1 to 10,
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20 Defendants.
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Case No. CV-11-9916 SJO (SS)

**DECLARATION OF LISA BOND IN
SUPPORT OF MOTION TO DISMISS
FIRST AMENDED COMPLAINT,
OR, IN THE ALTERNATIVE,
MOTION FOR MORE DEFINITE
STATEMENT**

**(Pursuant to Fed. R. Civ. P. 12(b)(1),
12(b)(6) AND 12(e))**

**[NOTICE OF MOTION,
MEMORANDUM OF POINTS AND
AUTHORITIES AND [PROPOSED]
ORDER FILED CONCURRENTLY
HEREWITH]**

Date: July 31, 2012
Time: 10:00 a.m.
Ctrm: 23

Action Filed: November 30, 2011

Magistrate: Hon. Suzanne H. Segal

DECLARATION OF LISA BOND

I, Lisa Bond, declare as follows:

1. I am an attorney at law duly licensed to practice before this Court. I am shareholder of the law firm of Richards, Watson & Gershon, A Professional Corporation, attorneys for defendants City of Redondo Beach, Joseph Leonardi and Todd Heywood (collectively "Redondo Defendants") in this action. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Immediately after being contacted to handle this matter and at my earliest possible opportunity, I telephoned Mr. Nichols on July 26, 2012, to meet and confer on this motion. Mr. Nichols did not answer the phone and I left a voicemail with my office contact information.

3. Attached hereto as Exhibit 1 is a true and correct copy of an email dated June 26, 2012, sent by me to Mr. Nichols requesting that he meet and confer with me on this motion.

4. Attached hereto as Exhibit 2 is a true and correct copy of an email received from Mr. Nichols on June 26, 2012, refusing to meet and confer on the motion.

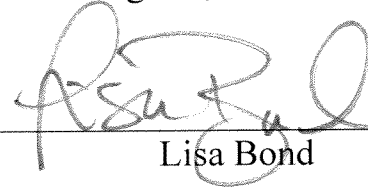
5. Attached hereto as Exhibit 3 is a true and correct copy of a second email dated June 27, 2012 send by me to Mr. Nichols requesting that he meet and confer with me on this motion.

6. As of the date of filing, Mr. Nichols has refused to meet and confer with me on this motion.

7. We also note that Michael Webb, prior counsel for the City of Redondo Beach and Chief Leonardi, conducted a meet and confer on similar issues on January 25, 2012, in connection with the motion to dismiss the original complaint.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3 Executed on this 29th day of June, 2012, at Los Angeles, California.

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6 Lisa Bond

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RICHARDS | WATSON | GERSHON
ATTORNEYS AT LAW - A PROFESSIONAL CORPORATION

PROOF OF SERVICE

I, Emily Hayes, declare:

I am a resident of the state of California and over the age of eighteen years and not a party to the within action. My business address is 355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101. On June 29, 2012, I served the within document(s) described as:

DECLARATION OF LISA BOND IN SUPPORT OF MOTION TO
DISMISS FIRST AMENDED COMPLAINT, OR, IN THE
ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT

on the interested parties in this action as stated below:

Charles Nichols
P.O. Box 1302
Redondo Beach, CA 90278

☒ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this Firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I certify that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 29, 2012, at Los Angeles, California.

I declare under penalty of perjury that the foregoing is true and correct.

Emily Hayes
(Type or print name)

(Signature)

Lisa Bond

From: Lisa Bond
Sent: Tuesday, June 26, 2012 4:40 PM
To: 'CharlesNichols@Pykrete.info'
Subject: Nichols v. Harris, et al.

Mr. Nichols,

I am writing regarding the First Amended Complaint you filed in the matter Nichols v. Harris, et al., USDC Case No. CV-11-9916SJO(SS). I left a message for you at the number on the pleading, but also wanted to send you an email. The Redondo Beach defendants will be filing a Motion to Dismiss the First Amended Complaint that will be similar to the first motion filed by Redondo Beach as to the initial complaint. I would be happy to discuss the motion with you at your convenience.

LISA BOND, ESQ.
RICHARDS|WATSON|GERSHON
355 SOUTH GRAND AVENUE
SUITE 4000
LOS ANGELES, CA 90071
PH 213.626.8484
FAX 213.626.0078

Lisa Bond

From: Charles Nichols [CharlesNichols@Pykrete.info]
Sent: Tuesday, June 26, 2012 5:19 PM
To: Lisa Bond
Subject: RE: Nichols v. Harris, et al.

Importance: High

I did not receive any message prior to this email. The local rules of the court and Judge Otero's standing order require the conference take place at least five (5) days prior to the last day for filing the motion. You missed your deadline to file a motion to dismiss.

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

Subject: Nichols v. Harris, et al.
From: Lisa Bond <LBond@rwglaw.com>
Date: Tue, June 26, 2012 4:39 pm
To: "CharlesNichols@Pykrete.info" <CharlesNichols@Pykrete.info>

Mr. Nichols,

I am writing regarding the First Amended Complaint you filed in the matter Nichols v. Harris, et al., USDC Case No. CV-11-9916SJO(SS). I left a message for you at the number on the pleading, but also wanted to send you an email. The Redondo Beach defendants will be filing a Motion to Dismiss the First Amended Complaint that will be similar to the first motion filed by Redondo Beach as to the initial complaint. I would be happy to discuss the motion with you at your convenience.

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NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient of this communication, or an employee or agent responsible for delivering this communication to the intended recipient, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

Lisa Bond

From: Lisa Bond
Sent: Wednesday, June 27, 2012 3:22 PM
To: 'Charles Nichols'
Subject: RE: Nichols v. Harris, et al.

Mr. Nichols,

Thank you for your email. We do not agree with you that it is too late to meet and confer. Please advise as to why you believe it is too late. Even if you believe the time has run, I again request for the third time that you meet and confer with me as to our motion. We would also like to discuss the manner in which you effectuated service. I would like to meet you in person at a mutually convenient location. Please let me know if you will discuss this matter with me.

I previously left a message at the number listed on the First Amended Complaint (424) 634-7381. You have advised you did not receive this message. Is this the correct phone number for you?

I also direct your attention to Local Rule 11-3.8(a) requiring that the first page of all documents include the office address (or residence address if no office is maintained). You have included a PO Box which is not in compliance with this rule. Please email me your office address (or residence address if no office is maintained) and include the required information on any subsequent pleadings.

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