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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)

**NOTICE OF MOTION AND  
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))**

**[MEMORANDUM OF POINTS AND  
AUTHORITIES, DECLARATION OF  
LISA BOND 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

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on July 31, 2012, at 10:00 a.m., or as soon thereafter as the matter may be heard in the above-listed Court, Defendants City of Redondo Beach, Joseph Leonardi and Todd Heywood (collectively "Redondo Beach Defendants") will move this Court for an order as to the following claims in Plaintiff's First Amended Complaint:

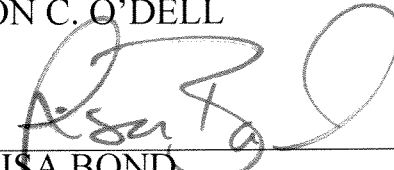
1. Dismissing the "First Claim for Relief: Second Amendment, Fourth Amendment, Fourteenth Amendment United States Constitution 42 USC § 1983, 1988-Injunctive /Declaratory Relief" pursuant to Federal Rule of Civil Procedure 12(b)(1) on the grounds that subject matter jurisdiction does not exist in the case at hand;
2. Dismissing the "First Claim for Relief: Second Amendment, Fourth Amendment, Fourteenth Amendment United States Constitution 42 USC § 1983, 1988-Injunctive /Declaratory Relief" pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that it fails to state a claim upon which relief can be granted;
3. Dismissing the "Second Claim for Relief: Second Amendment, Fourth Amendment, Fourteenth Amendment United States Constitution 42 USC § 1983, 1988-Injunctive /Declaratory Relief" pursuant to Federal Rule of Civil Procedure 12(b)(1) on the grounds that subject matter jurisdiction does not exist in the case at hand;
4. Dismissing the "Second Claim for Relief: Second Amendment, Fourth Amendment, Fourteenth Amendment United States Constitution 42 USC § 1983, 1988-Injunctive /Declaratory Relief" pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that it fails to state a claim upon which relief can be granted;

5. Ordering a more definite statement as to the "First Claim for Relief: Second Amendment, Fourth Amendment, Fourteenth Amendment United States Constitution 42 USC § 1983, 1988-Injunctive/Declaratory Relief" pursuant to Federal Rule of Civil Procedure 12(e);
6. Ordering a more definite statement as to the "Second Claim for Relief: Second Amendment, Fourth Amendment, Fourteenth Amendment United States Constitution 42 USC § 1983, 1988-Injunctive/Declaratory Relief" pursuant to Federal Rule of Civil Procedure 12(e).

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the accompanying Declaration of Lisa Bond and materials attached thereto, the pleadings and papers on file herein, the record to date in this matter, and upon such other matters as may be presented to the Court at the time of the hearing. Additionally, this Motion is made following repeated attempts to conduct a conference pursuant to Local Rule 7-3 on July 25 and 26, 2012.

Dated: June 29, 2012

RICHARDS, WATSON & GERSHON  
 A Professional Corporation  
 T. PETER PIERCE  
 LISA BOND  
 AARON C. O'DELL

By:   
 LISA BOND  
 Attorneys for Defendants  
 CITY OF REDONDO BEACH, JOSEPH  
 LEONARDI and TODD HEYWOOD

**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:

NOTICE OF MOTION AND 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)

PROOF OF SERVICE