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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,  
19

20 Defendants.  
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Case No. CV-11-9916 SJO (SS)

**[PROPOSED] ORDER GRANTING  
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  
DECLARATION OF LISA BOND  
FILED CONCURRENTLY  
HEREWITH]**

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

Action Filed: November 30, 2011

Magistrate: Hon. Suzanne H. Segal

**ORDER**

The Motion to Dismiss the First Amended Complaint, or, in the alternative, Motion for More Definite Statement filed by Defendants City of Redondo Beach, Joseph Leonardi and Todd Heywood (collectively "Redondo Beach Defendants") in this matter came on regularly for hearing before this Court on July 31, 2012.

Having considered the moving and opposition papers, arguments, and all other matters presented to the Court, the Court finds that Plaintiff Charles Nichols has failed to allege sufficient facts establishing standing and has also failed to state a claim upon which relief may be granted.

IT IS HEREBY ORDERED that the Redondo Beach Defendants' Motion to Dismiss is GRANTED. The Complaint in this case is ordered dismissed [with] [without] prejudice.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. S. James Otero  
Judge, United States District Court

**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:

[PROPOSED] ORDER GRANTING 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)