

MICHAEL W. WEBB S.B.N. 133414  
City Attorney for the  
City of Redondo Beach  
415 Diamond Street  
Redondo Beach, CA 90277-0639

Phone: (310) 318-0655  
Fax: (310) 372-3886

Attorney for Redondo Beach Defendants

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

CHARLES NICHOLS,  
Plaintiff,  
v.

EDMUND G. BROWN, JR., in his  
official capacity as Governor of  
California, KAMALA D. HARRIS,  
Attorney General, 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: 2:11-cv-09916-SJO-SS**

**NOTICE OF MOTION AND MOTION  
TO DISMISS**

**(Pursuant to Fed. R. Civ. P. 12(b)(1)  
and 12(b)(6))**

Date: March 6, 2012  
Time: 10:00 a.m.  
Location: Courtroom 23 3<sup>rd</sup> Floor  
Judge: Hon. Suzanne H. Segal  
Date Action Filed: November 20, 2011

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

PLEASE TAKE NOTICE that on March 6, 2012 at 10:00 a.m., or as soon  
thereafter as counsel can be heard in the above-listed Court, Defendants City of  
Redondo Beach, Redondo Beach Police Department, and Redondo Beach Police  
Chief Joseph Leonardi (collectively "Redondo Beach Defendants") will move this  
Court for an order dismissing Plaintiff's complaint, pursuant to Federal Rule of  
Civil Procedure 12(b)(1) on the grounds that subject matter jurisdiction does not

1 exist in the case at hand, and pursuant to Fed. R. Civ. P. 12(b)(6) on the grounds  
2 that Plaintiff's complaint fails to state a claim upon which relief can be granted.

3 This Motion is based on this Notice of Motion and Motion, the  
4 accompanying Memorandum of Points and Authorities, accompanying declarations  
5 and materials attached hereto, the pleadings and papers on file herein, the record to  
6 date in this matter, and upon such other matters as may be presented to the Court at  
7 the time of the hearing. Additionally, this motion is made following the conference  
8 of counsel pursuant to L.R. 7-3 which took place on January 25, 2012."

9 Dated: January 30, 2012

**REDONDO BEACH CITY  
ATTORNEY'S OFFICE**

11 /s/ Michael W. Webb

12 Michael W. Webb  
13 Counsel for Redondo Beach Defendants  
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**PROOF OF SERVICE**

**NOTICE OF MOTION AND MOTION  
TO DISMISS (Pursuant to Fed. R. Civ.  
P. 12(b)(1) and 12(b)(6))**

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 415 Diamond Street, Redondo Beach, California 90277-0639.

I am not a party to the above-entitled action. I have caused service of:

**NOTICE OF MOTION AND MOTION TO DISMISS  
(Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6))**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Electronically filed documents have been served conventionally by the filer to:

Charles Nichols,  
P.O. Box 1302  
Redondo Beach, CA 90278  
Plaintiff In Pro Per

Edmun G. Brown, Governor  
Office of the Governor  
300 South Spring Street  
Los Angeles, CA 90013  
Defendant

Kamala D. Harris, Attorney General  
Office of the Attorney General  
300 South Spring Street  
Los Angeles, CA 90013  
Defendant

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on January 30, 2012.

/s/ Jennifer Espinoza