

1 MICHAEL N. FEUER, City Attorney (SBN 111529x)  
 2 KATHLEEN A. KENEALY, Chief Assistant City Attorney (SBN 212289)  
 3 SCOTT MARCUS, Chief, Civil Litigation Branch (SBN 184980)  
 4 GABRIEL S. DERMER, Supervising City Attorney (SBN 229424)  
 5 BENJAMIN CHAPMAN, Deputy City Attorney (SBN 234436)  
 benjamin.chapman@lacity.org  
 6 200 North Main Street, 6th Floor, City Hall East  
 Los Angeles, California 90012  
 Telephone Number: 213.978.7556  
 7 Facsimile Number: 213.978.8214

8  
 9 Attorneys for Defendant  
 CITY OF LOS ANGELES

10 **UNITED STATES DISTRICT COURT**  
 11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

13 NATIONAL RIFLE ASSOCIATION OF )	Case No.: 19-cv-03212-SVW-GJS
14 AMERICA; JOHN DOE, )	
15 )	<b>DEFENDANT CITY OF LOS ANGELES’S</b>
16 Plaintiffs, )	<b>MOTION TO CORRECT ORDER (DKT. NO.</b>
17 vs. )	<b>60) PURSUANT TO FEDERAL RULE OF</b>
18 )	<b>CIVIL PROCEDURE 60(A)</b>
19 CITY OF LOS ANGELES; ERIC )	
20 GARCETTI, in his official capacity as )	Ctrlm: 10A-First Street Courthouse
21 Mayor of the City of Los Angeles; )	Judge: Hon. Stephen V. Wilson
22 HOLLY L. WOLCOTT, in her official )	
23 capacity as City Clerk of the City of Los )	
24 Angeles, and DOES 1-10, )	Action Filed: 04/24/2019
25 )	
26 )	
27 )	
28 )	
29 )	
30 )	
31 )	
32 )	
33 )	
34 )	
35 )	
36 )	
37 )	
38 )	
39 )	
40 )	
41 )	
42 )	
43 )	
44 )	
45 )	
46 )	
47 )	
48 )	
49 )	
50 )	
51 )	
52 )	
53 )	
54 )	
55 )	
56 )	
57 )	
58 )	
59 )	
60 )	
61 )	
62 )	
63 )	
64 )	
65 )	
66 )	
67 )	
68 )	
69 )	
70 )	
71 )	
72 )	
73 )	
74 )	
75 )	
76 )	
77 )	
78 )	
79 )	
80 )	
81 )	
82 )	
83 )	
84 )	
85 )	
86 )	
87 )	
88 )	
89 )	
90 )	
91 )	
92 )	
93 )	
94 )	
95 )	
96 )	
97 )	
98 )	
99 )	
100 )	

1 On September 30, 2020, the Court issued an order granting in part Plaintiffs’ motion  
2 for attorney’s fees and granting application for costs (“Order”) (Dkt. No. 60.) In the Order,  
3 the Court awarded Plaintiffs’ \$1,073.55 in costs. (Dkt. No. 60 at 25.) However, the parties  
4 had previously stipulated that Plaintiffs’ costs should be taxed in the amount of \$244.65.  
5 (Dkt. No. 54.) This stipulation was filed after the parties met and conferred regarding  
6 Plaintiffs’ cost application. (*Id.*) Pursuant to this stipulation, Plaintiffs agreed to  
7 “withdraw their request for any other costs set forth in the [cost] Application” beyond their  
8 request for \$244.65. (*Id.*)

9 Federal Rule of Civil Procedure 60 allows a court to “correct a clerical mistake or  
10 a mistake arising from oversight or omission whenever one is found in a judgment, order,  
11 or other part of the record. The court may do so on motion or on its own, with or without  
12 notice.” (Fed. R. Civ. P. 60(a).) “A district court has wide latitude in correcting clerical  
13 mistakes in judgment.” *Blanton v. Anzalone*, 813 F.2d 1574, 1577 (9th Cir. 1987). “The  
14 basic distinction between ‘clerical mistakes’ and mistakes that cannot be corrected  
15 pursuant to Rule 60(a) is that the former consist of ‘blunders in execution’ whereas the  
16 latter consist of instances where the court *changes its mind.*” *Id.* at 1577 n.2 (emphasis in  
17 original). Courts have invoked Rule 60(a) to correct orders and judgments where it has  
18 “inadvertently overlooked [a] docket entry” since this mistake is “more one of clerical  
19 oversight than of legal or factual error.” *Kingsburg Apple Packers, Inc. v. Ballantine*  
20 *Produce Co.*, No. 1:09-cv-0901 AWI JLT, 2013 U.S. Dist. LEXIS 38098, at \*8 (E.D. Cal.  
21 Mar. 15, 2013).

22 The City met and conferred with Plaintiffs’ counsel before filing this motion;  
23 Plaintiffs’ counsel indicated that it did not oppose the motion. (Chapman Decl. ¶ 3.)

24 Accordingly, the City respectfully requests that the Order (Dkt. No. 60) be corrected  
25 to award Plaintiffs \$244.65 in costs (rather than \$1,073.55.)  
26  
27  
28

1 Dated: October 1, 2020

OFFICE OF THE CITY ATTORNEY OF  
LOS ANGELES

3 By:

          /s/ Benjamin Chapman          

4 Benjamin Chapman

6 Attorneys for Defendant  
7 CITY OF LOS ANGELES

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28