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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANA PATRICIA FERNANDEZ, an
individual,

Plaintiff,

v.

LOS ANGELES COUNTY, THE LOS
ANGELES COUNTY SHERIFF'S
DEPARTMENT, WYATT WALDRON,
an individual, JOHN ROTH, an
individual, SUSAN O'LEARY BROWN,
an individual, ALEX VILLANUEVA, in
his Official Capacity as Sheriff of Los
Angeles County, RICHARD LEON, an
individual, MURRAY JACOB, an
individual, DAVID ROACH, an
individual, SALVADOR MORENO IV,
an individual, JASON AMES, an
individual, KYLE DINGMAN, an
individual, NICHOLAS SAYLOR, an
individual, and DOES 8-10,

Defendants.

Case No.: 2:20-cv-09876 DMG (PDx)

**NOTICE OF INTENT NOT TO FILE
SECOND AMENDED COMPLAINT**

1 TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
2 RECORD:

3 PLEASE TAKE NOTICE that pursuant to this Court's Order Granting in Part and
4 Denying in Part Defendants' Motion to Dismiss, issued September 28, 2022 (ECF No.
5 53), Plaintiff Ana Patricia Fernandez hereby notifies the Court and all parties that she does
6 not intend to file a Second Amended Complaint to amend her official-capacity claims
7 against Defendant Alex Villanueva.

8 Nothing about Plaintiff's decision to stand on her pleadings, however, should be
9 interpreted as acquiescence in the Court's dismissal of any of her claims, including the
10 dismissal of her claims against Defendant Villanueva without prejudice. *See McCalden v.*
11 *Cal. Library Ass'n*, 919 F.2d 538, 547 (9th Cir. 1990) ("[A]ppellant is not required
12 to amend in order to preserve his right to appeal. When one is granted leave to amend a
13 pleading, she may elect to stand on her pleading and appeal, if the other requirements for a
14 final, appealable judgment are satisfied.")

15
16 Dated: October 19, 2020

MICHEL & ASSOCIATES, P.C.

17
18 *s/ Anna M. Barvir*

19 Anna M. Barvir
20 Counsel for Plaintiff Ana Patricia
21 Fernandez
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CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Fernandez, v. Los Angeles County, et al.*
Case No.: 2:20-cv-09876 DMG (PDx)

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 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

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

NOTICE OF INTENT NOT TO FILE SECOND AMENDED COMPLAINT

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

Amber A. Logan
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Los Angeles, CA 90010
*Attorneys for Defendants Los Angeles County,
The Los Angeles County Sheriff's Department,
Alex Villanueva, and Susan O'Leary Brown*

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

Executed October 19, 2022.

s/ Laura Palmerin
Laura Palmerin