

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

ANA PATRICIA FERNANDEZ, an
individual,

Plaintiff,

v.

LOS ANGELES COUNTY, et al.,

Defendants.

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

**[PROPOSED] ORDER DENYING, IN
PART, AND GRANTING, IN PART
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: May 10, 2024
Hearing Time: 2:00 p.m.
Courtroom: 8C
Judge: Hon. Dolly M. Gee

Defendants County of Los Angeles, John Roth, and Wyatt Waldron's Motion for Summary Judgment came on for hearing before this Court on May 10, 2024. Having reviewed Defendants' motion, the parties' memoranda, and all papers on file, and having heard the argument of counsel, the Court hereby finds as follows:

1. Defendant County of Los Angeles is not entitled to summary judgment as to Plaintiff's Fourth Amendment claims because there is a genuine dispute over the reasonableness and legality of the County's firearm release fee because it may exceed the actual administrative costs incurred.

2. Defendants Roth and Waldron are not entitled to summary judgment as to the

1 Fourth Amendment claim under the doctrine of qualified immunity because there is a
2 general dispute as to whether they unreasonably damaged Plaintiff's property during the
3 execution of the warrants at the Caprock residence, and it is clearly established that a
4 police officer is liable under the Fourth Amendment for unreasonable damage done to
5 property during a search.

6 3. The Defendants are not entitled to summary judgment as to the state-law
7 claims of negligence, trespass to chattels, or breach of bailment, because all three claims
8 involve disputed questions of material fact.

9 4. As the Fourth Amendment claim survives summary judgment, Plaintiff's
10 requested declaratory relief does as well.

11 5. Because Plaintiff has waived her claim for punitive damages against the
12 County, Defendant Los Angeles County is entitled to summary judgment as to any claim
13 for punitive claims brought against the county.

14 For those reasons, Defendants' Motion for Summary Judgment is denied, in part,
15 and granted, in part.

16 **IT IS SO ORDERED.**

17
18 Dated: _____

Honorable Dolly M. Gee
United States District Court Judge

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:

**[PROPOSED] ORDER DENYING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

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

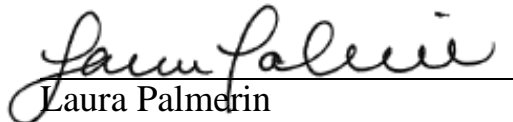
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*Attorneys for Defendants Los Angeles County,
Wyatt Waldron, and John Roth*

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

Executed April 12, 2024.


Laura Palmerin