

1  
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

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

ADAM RICHARDS, et al.,  
Plaintiffs,  
v.  
GAVIN NEWSOM, et al.,  
Defendants.

Case No.: 8:23-cv-02413 JVS (KESx)

**ORDER TO TAKE MOTION TO  
DISMISS COMPLAINT OFF-  
CALENDAR, TO DISMISS CERTAIN  
CLAIMS AND PARTIES, ON  
REQUEST FOR LEAVE TO FILE  
AMENDED COMPLAINT, AND ON  
REQUEST TO SET BRIEFING AND  
HEARING SCHEDULE THEREON  
[37]**

The Court, having reviewed the Parties’ Stipulation to take Defendants’ Fed. R. Civ. P. 12 motion to dismiss the complaint off calendar, to dismiss certain claims and parties, to grant leave to file an amended complaint, and to set a briefing and hearing schedule on Defendants’ anticipated Rule 12 motion to dismiss the amended complaint, and good cause having been shown, hereby ORDERS as follows:

1. Defendants’ motion to dismiss the Complaint [31], set for hearing on July 15, 2024, is hereby taken off calendar without prejudice to Defendants filing a renewed motion to dismiss as to the current pleading or an anticipated motion to dismiss as to the proposed amended pleading;

1           2.     Plaintiffs' Second Claim under 42 U.S.C. § 1983 for violation of Equal  
2 Protection under the Fourteenth Amendment is hereby dismissed without prejudice  
3 as to all Defendants;

4           3.     Plaintiffs' Third Claim under 42 U.S.C. § 1983 for violation of the  
5 Second Amendment is hereby dismissed without prejudice as to all Defendants;

6           4.     All claims alleged by Plaintiffs against Defendant Gavin Newsom are  
7 hereby dismissed without prejudice;

8           5.     Plaintiffs are granted leave to file an amended complaint. Such  
9 complaint must be filed and served no later than **June 28, 2024**. Plaintiffs may not  
10 reassert in the amended complaint the aforementioned claims dismissed from the  
11 original Complaint, and they may not assert any new Claims not previously  
12 pleaded;

13          6.     Defendants are ordered to file and serve their anticipated Fed. R. Civ.  
14 P. 12 motion to dismiss the amended complaint by **August 2, 2024**;

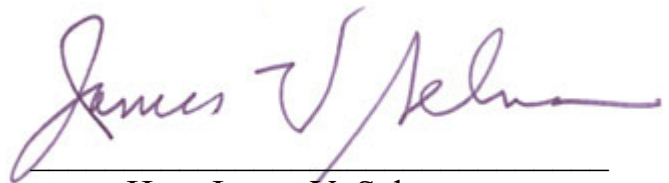
15          7.     Plaintiffs are ordered to file and serve any brief in opposition to  
16 Defendants' motion by **September 5, 2024**;

17          7.     Defendants are ordered to file any reply brief on their motion by  
18 **September 27, 2024**;

19          8.     Subject to the timely filing of a motion to dismiss, the hearing on such  
20 motion is set for **October 7, 2024, at 1:30 p.m.**, in Courtroom 10C.

21  
22 IT IS SO ORDERED.

23  
24 Dated: June 24, 2024



\_\_\_\_\_  
Hon. James V. Selna  
United States District Court Judge

1  
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

**CERTIFICATE OF SERVICE**  
IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Richards, et al. v. Newsom, et al.*  
Case No.: 8:23-cv-02413 JVS (KESx)

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:

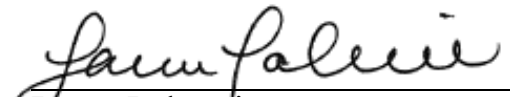
**[PROPOSED] ORDER TO TAKE MOTION TO DISMISS COMPLAINT OFF-CALENDAR, TO DISMISS CERTAIN CLAIMS AND PARTIES, ON REQUEST FOR LEAVE TO FILE AMENDED COMPLAINT, AND ON REQUEST TO SET BRIEFING AND HEARING SCHEDULE THEREON**

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

Todd Grabarsky  
Deputy Attorney General  
[todd.grabarsky@doj.ca.gov](mailto:todd.grabarsky@doj.ca.gov)  
Christina R.B. Lopez  
Deputy Attorney General  
[christina.lopez@doj.ca.gov](mailto:christina.lopez@doj.ca.gov)  
Office of the Attorney General for California  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 269-6044  
*Attorneys for Defendants*

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

Executed June 21, 2024.

  
\_\_\_\_\_  
Laura Palmerin