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17 Attorneys for Defendant
COUNTY OF LOS ANGELES

19 **UNITED STATES DISTRICT COURT**

20 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

22 LA ALLIANCE FOR HUMAN
RIGHTS, et al.,

23 Plaintiffs,

25 v.

26 CITY OF LOS ANGELES, et al.,

27 Defendants.

CASE NO. 2:20-cv-02291 DOC-KES

**DEFENDANT LOS ANGELES
COUNTY'S NOTICE OF MOTION
TO DISMISS**

Hearing Date: May 10, 2021

Time: 8:30 a.m.

Location: Courtroom 9D

Assigned to the Hon. David O. Carter
and Magistrate Judge Karen E. Scott

1 **TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT**, pursuant to Rules 12(b)(1) and 12(b)(6)
 3 of the Federal Rules of Civil Procedure, Defendant Los Angeles County (the
 4 “County”) hereby moves to dismiss all claims asserted by Plaintiffs in the
 5 Complaint against the County for lack of subject matter jurisdiction and for failure
 6 to state a claim. This Motion is set for hearing on May 10, 2021 before the
 7 Honorable David O. Carter in the United States District Court, Central District of
 8 California, Western Division, located at 411 West Fourth Street, Courtroom 9D,
 9 Santa Ana, CA, 92701-4516.

10 The Motion is well-taken. Under Rule 12(b)(1), dismissal for lack of subject
 11 matter jurisdiction should be granted because Plaintiffs have not sufficiently alleged
 12 Article III standing and “prudential” standing to assert their claims against the
 13 County. Plaintiffs have not alleged injuries that are “fairly traceable” to the alleged
 14 conduct of the County. Plaintiffs’ claims are also not redressible because the broad
 15 and unmanageable injunction that they seek cannot be issued by this Court. Further,
 16 as a prudential matter, this Court cannot exercise jurisdiction because Plaintiffs are
 17 asserting generalized grievances against the County on behalf of third parties not
 18 before the Court and seek remedies that cannot be awarded by this Court.

19 In addition, under Rule 12(b)(6), Plaintiffs have not stated any of their federal
 20 or state law claims against the County. Plaintiffs’ federal claims against the County
 21 are all asserted under 42 U.S.C. section 1983 and allege violations of the Fourteenth
 22 Amendment to the United States Constitution. But these claims fail because
 23 Plaintiffs have not alleged that (1) the County infringed fundamental rights or
 24 engaged in arbitrary action that shocks the conscience, (2) the County discriminated
 25 against suspect classes with deliberate indifference, (3) the County’s officials
 26 affirmatively placed any Plaintiff in imminent risk of bodily harm, or (4) that the
 27 County could be liable, even if any of the above had been alleged, because the harm
 28 was caused by an official County policy, practice or custom under *Monell*.

1 Plaintiffs' state law claims fail as well because Plaintiffs invoke state statutes
 2 that grant the County *discretion* over how to spend funds and provide services to
 3 combat homelessness. Further, the common law claims fail for an additional reason
 4 as the County and its policy-making officials are immune from suit under the
 5 California Government Code.

6 This Motion is made following the conference of counsel pursuant to L.R. 7-3
 7 that took place on Monday, March 22, 2021. (Declaration of Mira Hashmall
 8 ¶ 20 & Ex. 19.) This Motion is based on this Notice, the accompanying
 9 Memorandum of Law, the Declaration of Mira Hashmall and exhibits attached
 10 thereto, the Request for Judicial Notice, the pleadings and records on file in this
 11 action, and any further evidence or argument received by the Court in connection
 12 with the Motion.

13
 14 DATED: March 29, 2021

MILLER BARONDESS, LLP

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 17 By: /s/ Louis R. Miller

18 LOUIS R. MILLER

19 Attorneys for Defendant

20 COUNTY OF LOS ANGELES
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