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10 Attorneys for Plaintiffs
Sergio Flores and Roxana Guevara

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF LOS ANGELES

14 SERGIO FLORES, an individual, and
15 ROXANA GUEVARA, a California
taxpayer,

16 Plaintiffs,

17 vs.

18 CITY OF BALDWIN PARK POLICE
19 DEPARTMENT, CITY OF BALDWIN
PARK, and DOES 1 to 50, inclusive,

20 Defendants.

Case No. BC560031
[Assigned to Hon. Ruth Ann Kwan, Dept. 72]

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

COMPLAINT FILED: October 8, 2014

HEARING DATE: April 28, 2016

TIME: 10:00am

DEPT.: 72

RES ID: 160121098724

[Notice of Motion, Stipulated Facts, Separate
Statement of Undisputed Facts, Supporting
Declarations of Matthew J. Barragan, Sergio
Flores, and Roxana Guevara, and [Proposed]
Order filed concurrently]

25 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

26 PLEASE TAKE NOTICE THAT on April 28, 2016, at 10:00 a.m., in Department 72, of
27 the above-reference Court, located at 111 North Hill Street, Los Angeles, California, Plaintiffs
28

FILED
Superior Court of California
County of Los Angeles

FEB 11 2016

Sherril K. Carter, Executive Officer/Clerk
By Moses Soto, Deputy

0211012010

1 Sergio Flores and Roxana Guevara ("Plaintiffs") will move the Court under Code of Civil
2 Procedure Section 437c for summary judgment on liability of issues on Plaintiffs' Complaint.
3 Plaintiffs make this Motion on the ground that there are no triable issues of material fact
4 requiring trial or preventing summary adjudication (as to liability) of each of the issues below:

- 5 ISSUE NO. 1: First Cause of Action for False Imprisonment
6 ISSUE NO. 2: Second Cause of Action for Negligence Per Se
7 ISSUE NO. 3: Third Cause of Action for Violation of the Bane Act
8 ISSUE NO. 4: Fourth Cause of Action for Declaratory Relief under C.C.P. § 526(a)

9 This Motion is based on this Notice of Motion, the accompanying Memorandum of
10 Points and Authorities, the Stipulated Facts for Cross-Motions for Summary Judgment, the
11 Separate Statement of Undisputed Facts, the Declarations of Matthew J. Barragan, Sergio
12 Flores, and Roxana Guevara, all papers filed in support and reply to this motion, Plaintiffs'
13 Complaint, the Court's complete file and records in this action, and such other evidence and
14 argument that may be presented at the hearing on this Motion or in Reply.

15
16 Dated: February 11, 2016

MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND

NATIONAL DAY LABOR
ORGANIZING NETWORK

17
18
19
20 By: 

Thomas A. Saenz

Matthew J. Barragan

Attorneys for Plaintiffs

Sergio Flores and Roxana Guevara

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

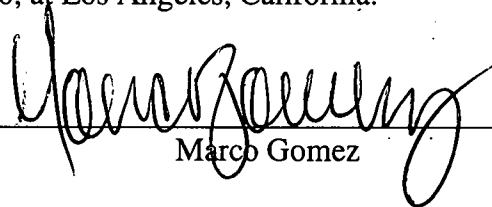
3 I, the undersigned, am a resident of the State of California, over the age of eighteen years,
4 and not a party to the within action. My business address is 634 S. Spring Street, 11th Floor, , Los
5 Angeles, California 90015. On February 11, 2016, I served the following document(s) by the
6 method indicated below:

7 **PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY**
8 **JUDGMENT**

- 9 by transmitting **via facsimile** on this date from fax number (213) 629-0266 the document(s)
10 listed above to the fax number(s) set forth below. The transmission was completed before 5:00
11 p.m. and was reported complete and without error. Service by fax was made by agreement of
12 the parties, confirmed in writing. The transmitting fax machine complies with Cal. R.Ct
13 2003(3).
- 14 by placing the document(s) listed above in a sealed envelope(s) with postage thereon fully
15 prepaid, in the **United States mail** at Santa Monica, California addressed as set forth below. I
16 am readily familiar with the firm's practice of collection and processing correspondence for
17 mailing. Under that practice it would be deposited in the U.S. Postal Service on that same day
18 with postage thereon fully prepaid in the ordinary course of business. I am aware that on
19 motion of the party served, service is presumed invalid if postal cancellation date or postage
20 meter date is more than one day after date of deposit for mailing in affidavit.
- 21 by placing the document(s) listed above in a sealed envelope(s) and by causing **messenger**
22 **delivery** of the envelope(s) to the person(s) at the address(es) set forth below. I am readily
23 familiar with the business practice of my place of employment with respect to the collection and
24 processing of correspondence, pleadings and notices for hand delivery. On February 11, 2016, I
25 caused to be served via messenger the above-listed documents.
- 26 by **personally delivering** the document(s) listed above to the person(s) at the address(es) set
27 forth below.
- 28 by placing the document(s) listed above in a sealed envelope(s) and consigning it to an **express**
mail service for guaranteed delivery on the next business day following the date of
consignment to the address(es) set forth below.

19 Susan E. Coleman
20 Kristina Doan Gruenberg
21 BURKE, WILLIAMS & SORENSEN, LLP
22 444 South Flower Street, Suite 2400
23 Los Angeles, CA 90071-2953
24 Telephone: (213) 236-0600
25 Facsimile: (213) 236-2700

26 I declare under penalty of perjury under the laws of the State of California that the above
27 is true and correct. Executed on February 11, 2016, at Los Angeles, California.

28 

Marco Gomez

02/11/2016

CRS RECEIPT

INSTRUCTIONS

Please print this receipt and attach it to the corresponding motion/document as the last page. Indicate the Reservation ID on the motion/document face page (see example). The document will not be accepted without this receipt page and the Reservation ID.

ALIFORNIA, COUNTY OF LOS ANGELES

CASE NO.: BC00000

NOTICE OF MOTION AND MOTION
TO COMPEL ANSWERS TO FORM
INTERROGATORIES

DATE: Jan 21 2016

DEPT: 72

RES ID: 131112001085

RESERVATION INFORMATION

Reservation ID: 160121098724
Transaction Date: January 21, 2016
Case Number: BC560031
Case Title: SERGIO FLORES ET AL VS CITY OF BALDWIN PARK POLICE DEPT ET A
Party: FLORES SERGIO (Plaintiff)
Courthouse: Stanley Mosk Courthouse
Department: 72
Reservation Type: Motion for Summary Judgment
Date: 6/7/2016
Time: 10:00 am

FEE INFORMATION (Fees are non-refundable)

First Paper Fee: Party asserts first paper was previously paid.

Description	Fee
Motion for Summary Judgment	\$500.00
Total Fees:	Receipt Number: 1160121K2265 \$500.00

PAYMENT INFORMATION

Name on Credit Card: Victor Viramontes
Credit Card Number: XXXX-XXXX-XXXX-7416

**A COPY OF THIS RECEIPT MUST BE ATTACHED TO THE CORRESPONDING
MOTION/DOCUMENT AS THE LAST PAGE AND THE RESERVATION ID INDICATED ON THE
MOTION/DOCUMENT FACE PAGE.**

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