

MICHAEL N. FEUER, City Attorney (SBN 111529)  
SCOTT MARCUS, Chief Assistant City Attorney (SBN 184980)  
ARLENE N. HOANG, Deputy City Attorney (SBN 193395)  
JESSICA MARIANI, Deputy City Attorney (SBN 280748)  
RYAN SALSIG, Deputy City Attorney (SBN 250830)  
200 North Main Street, City Hall East, 6<sup>th</sup> Floor  
Los Angeles, California 90012  
Telephone: 213-978-7508  
Facsimile: 213-978-7011  
Email: [Arlene.Hoang@lacity.org](mailto:Arlene.Hoang@lacity.org)

Attorneys for Defendant  
CITY OF LOS ANGELES

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

LA ALLIANCE FOR HUMAN RIGHTS,  
et al.,

Plaintiffs,

v.

CITY OF LOS ANGELES, et al.,

Defendants.

Case No. CV 20-02291 DOC (KES)

**DEFENDANT CITY OF LOS  
ANGELES' NOTICE OF MOTION  
AND MOTION TO DISMISS  
PLAINTIFFS' AMENDED AND  
SUPPLEMENTAL COMPLAINT [ECF  
361] [FRCP 8, 12(b)(1) and 12(b)(6)]**

Date: January 24, 2022

Time: 8:30 a.m.

Courtroom: 9D

**Hon. David O. Carter  
United States District Judge**

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

**NOTICE IS HEREBY GIVEN THAT** on January 24, 2022, at 8:30 a.m., before the Honorable David O. Carter, in Courtroom 9D of the Ronald Reagan Federal Building and United States Courthouse, located at 411 West Fourth Street, Santa Ana, California, Defendant CITY OF LOS ANGELES (“the City”) will, and hereby does, move the Court to dismiss the Amended and Supplemental Complaint (the “FASC”) filed by Plaintiffs LA ALLIANCE FOR HUMAN RIGHTS, an unincorporated association, JOSEPH BURK, GEORGE FREM, WENZIAL JARRELL, CHARLES MALOW, KARYN PINSKY, LEANDRO SUAREZ, HARRY TASHDJIAN, CHARLES VAN SCOY, and, GARY WHITTER, individuals (collectively “Plaintiffs”) pursuant to Federal Rules of Civil Procedure (“FRCP”) 8, 12(b)(1), and 12(b)(6).<sup>1</sup> The FASC is inadequately pleaded, fails to state a claim upon which relief may be granted, and asserts claims over which the Court lacks jurisdiction.

Pursuant to Local Rule 7-3, on November 23, 2021, counsel for the City met and conferred with counsel for Plaintiffs via teleconference to discuss informal resolution of this motion. However, the parties were unable to resolve the motion informally or narrow the issues to be decided on the motion.

As set forth in detail in the accompanying Memorandum of Points and Authorities, there is good cause to dismiss Plaintiffs’ FASC. Plaintiffs have not established that they have standing to assert their claims before this Court, warranting dismissal under FRCP 12(b)(1). In addition, the FASC: (1) violates principles of separation of powers and federalism; (2) fails to allege a cognizable violation of the Americans with Disabilities Act (“ADA”); (3) fails to allege a discriminatory purpose, a discriminatory policy or legislation, or rebut the presumption that facially non-discriminatory practices have a rational basis; (4) invokes the state-created-danger doctrine, which is inapplicable; (5)

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<sup>1</sup> Counsel for Plaintiffs and the City stipulated to the hearing date and time, and briefing schedule, for the City’s Motion. ECF 367. On November 12, 2021, the Court entered an Order granting the stipulation. ECF 368.

1 fails to allege any special relationship between Plaintiffs and the City; (6) fails to specify  
2 any policy or custom upon which *Monell* liability may be founded; (7) does not allege a  
3 taking under federal or state law; (8) fails to adequately allege common law negligence;  
4 (9) fails to allege a nuisance claim; and (10) fails to allege a violation of California Code  
5 of Civil Procedure section 526a. For these reasons, dismissal is warranted under FRCP 8  
6 and 12(b)(6).

7 This motion is based on this Notice of Motion, the accompanying Memorandum of  
8 Points and Authorities, the pleadings and other papers on file in this action, and such  
9 further argument and evidence as may be offered at the time of the hearing on this  
10 Motion.

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12 DATED: December 3, 2021 By: /s/  
13 Arlene N. Hoang, Deputy City Attorney  
14 Counsel for Defendant City of Los Angeles  
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