

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 69

20STCV35594

AUSTREBERTO GONZALEZ vs COUNTY OF LOS ANGELES

November 4, 2021

9:30 AM

Judge: Honorable William F. Fahey

CSR: Jessica Cabello, CSR #12646 (A.M. ONLY); Justus Balentine, CSR #13859 (P.M. ONLY)

Judicial Assistant: V. Solis

ERM: None

Courtroom Assistant: L. Bituin

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): Jennifer Mira Hashmall

Other Appearance Notes: Attorneys, Alan Romero and Edward S. Wells, appear for the Plaintiff

NATURE OF PROCEEDINGS: Final Status Conference; Mandatory Settlement Conference (MSC);

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Jessica Cabello, CSR #12646, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matter is called for hearing.

Defendant's motions in limine:

No. 1 (to exclude expert testimony of plaintiff Austreberto Gonzalez's designated expert Robert Olmstead); and

No. 2 (to exclude irrelevant, time-barred and prejudicial evidence), are heard and argued.

After hearing argument, the Court issues the following ruling:

Defendant's motion in limine no. 1, is granted as to all categories, except as to category number four.

Defendant's motion in limine no. 2, is granted in its entirety.

The matter is transferred to Department 58, Judge John P. Doyle, Stanley Mosk Courthouse, for a Mandatory Settlement Conference ONLY.

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Deputy Sheriff: None

Counsel are ordered to return to Department 69, after the completion of the Mandatory Settlement Conference.

Counsel return to Department 69 at 11:58 a.m., and are ordered to return at 1:30 p.m.

Pursuant to Government Code sections 68086, 70044, California Rules of Court, rule 2.956, and the stipulation of appearing parties, Justus Balentine, CSR #13858, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matter is recalled.

Counsel inform the Court that the case did not settle.

Court inquires from all parties regarding the possibility of settlement.

The Court, having taken the matter under submission on 10/15/2021 for Hearing on Motion for Summary Judgment or in the alternative Summary Adjudication; and Hearing on Motion for Summary Adjudication of Affirmative Defenses; and on 10/20/2021 for Order to Show Cause Re: why sanctions should not be imposed against plaintiff, Austreberto Gonzalez, for his failure to appear at the mediation scheduled 09/10/2021, now rules as follows:

IT IS ORDERED THAT plaintiff's motion for summary adjudication is granted.

IT IS FURTHER ORDERED that defendant's Motion for Summary Judgment is Granted and plaintiff's case is dismissed with prejudice, except the Court retains jurisdiction to enforce the order re sanctions.

IT IS FURTHER ORDERED that sanctions in the amount of \$2,000 are imposed against plaintiff and his attorneys, jointly and severally.

Said sanctions are ordered payable to counsel for Defendant by no later than 12/09/2021.

An Order to Show Cause Re: Payment of Sanctions is scheduled for 12/09/2021 at 08:30 AM in

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Deputy Sheriff: None

Department 69 at Stanley Mosk Courthouse.

Plaintiff's oral request for reconsideration is Denied.

In light of the above, the Jury Trial scheduled for 11/15/2021, is advanced to this date and vacated.

The "Order on Motions" is issued and filed this date.

The Order on: Defendant County of Los Angeles' Objections to Evidence submitted in Support of Plaintiff Austreberto Gonzalez's Opposition to Motion Summary Judgment or, in the alternative, Summary Adjudication, is signed and filed this date.

A copy of both orders are provided to both sides this date.

Counsel for Defendant is to give notice.