

No. 23-689

IN THE SUPREME COURT
OF THE UNITED STATES OF AMERICA

CITY OF LOS ANGELES, et al.,
Petitioners,

v.
M.A.R., a minor, et al.,
Respondents,

**MOTION TO HOLD CASE IN ABEYANCE FOR 60 DAYS
BASED ON TENTATIVE CONDITIONAL SETTLEMENT**

Appeal Following Denial of Summary Judgment on Qualified Immunity
United States District Court, Central District of California
U.S.D.C. Case No: 2:22-CV-07651-KK-KS
Hon. Kenly Kiya Kato, Judge Presiding

Scott Wm. Davenport
California State Bar 159432
JONES & MAYER
3777 N. Harbor Blvd.
Fullerton, California 92835
Tel: 714-446-1400 • Fax: 714-446-1448
Email: swd@Jones-Mayer.com

Attorneys for Defendant-Appellant,
CITY OF LOS ANGELES, et al.

TO THE HONORABLE JUSTICES OF THE UNITED STATES SUPREME
COURT:

Petitioners CITY OF LOS ANGELES et al. respectfully request that this Court issue an order holding this case in abeyance for a period of 60 days based the following showing of good cause:

- On Saturday, April 13, 2024, the parties in this matter entered into a tentative conditional settlement agreement which would render this petition moot.
- On Monday, April 15, 2024, Counsel for Petitioner e-filed a Notice of Conditional Settlement and Application to Stay Case for 60 Days. At that time, the parties jointly requested that this Court stay further briefing or action on the petition for a period of 60 days, at which point petitioner would either file a dismissal or a reply in support of the petition.
- On Tuesday, April 23, 2024, I received notice that the case was distributed for conference. Shortly thereafter, I received a call from the Clerk of the United States Supreme Court indicating that because counsel for petitioners had not followed up e-filing with a paper filing, the original stay request had not been received. At that time, I was

directed to properly re-file and re-serve the stay request as a motion with this court.

Based on the foregoing, petitioners respectfully request that this Court issue an order holding this case in abeyance for a period of 60 days, at which point petitioners will either file a reply in support of the petition or a dismissal of the petition. This short period of abeyance will allow the parties to perfect and complete the tentative conditional settlement. Counsel for petitioners apologizes to the Court and the parties for any inconvenience associated with this belated action.

Date: April 23, 2024

JONES & MAYER

By: /s/ Scott Wm. Davenport

Attorneys for Petitioners,
CITY OF LOS ANGELES, et al.

AFFIDAVIT OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 3777 North Harbor Blvd., Fullerton, California 92835. My electronic address is: agp@jones-mayer.com.

On April 23, 2024, I served the foregoing document(s) described as **MOTION TO HOLD CASE IN ABEYANCE FOR 60 DAYS BASED ON TENTATIVE CONDITIONAL SETTLEMENT** on each interested party listed below.

V. James DeSimone
Carmen D. Sabater
Ryann E. Hall
V. James DeSimone Law
13160 Mindanao Way, Ste. 280
Marina Del Rey, CA 90292

Attorneys for Respondents

Dale Galipo
Cooper Alison-Mayne
Law Offices of Dale Galipo
21800 Burbank Blvd., Ste. 310
Woodland Hills, CA 91367

Attorneys for Respondents

XX (VIA U.S. MAIL): I am readily familiar with Jones & Mayer's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at La Habra, California, in the ordinary course of business. I am aware that on motion of the parties served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 23, 2024, at Fullerton, California.



GABY PRECIADO
agp@jones-mayer.com