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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

JOSEPH DIAZ JR.,	Case No. 5:20-cv-02332-JWH-KKx
Plaintiff,	
v.	**ORDER DENYING DEFENDANT'S MOTION TO DISMISS [ECF No. 9] WITHOUT PREJUDICE**
RALPH HEREDIA, true name RAFAEL HEREDIA TARANGO, a/k/a RAFAEL HEREDIA, a/k/a RAFAEL BUSTAMANTE; JOHN DOE, ESQ.; and JANE DOES 1 through 20,	
Defendants.	

1 Currently pending before the Court is the motion of Defendant Ralph

2 Heredia to dismiss the Complaint of Plaintiff Joseph Diaz, Jr., pursuant to

3 Rule 12(b)(6) of the Federal Rules of Civil Procedure.[1] The Court finds this

4 matter appropriate for resolution without a hearing. *See* Fed. R. Civ. P. 78;

5 L.R. 7-15. After considering the papers filed in support of and in opposition to

6 the Motion,[2] the Court orders that the Motion is **DENIED without prejudice**,
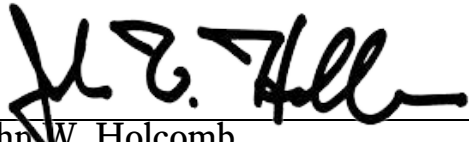
7 as set forth herein.

8 L.R. 7-3 requires "counsel contemplating the filing of any motion first [to]

9 contact opposing counsel to discuss thoroughly . . . the substance of the

10 contemplated motion and any potential resolution." L.R. 7-4 further provides

11 that the "Court may decline to consider a motion unless it meets the

12 requirements of L.R. 7-3 through 7-8."

13 This Court expects and requires strict compliance with the Local Rules.

14 Here, Heredia's counsel admittedly failed to engage in *any* Conference of

15 Counsel before filing the Motion, as required by L.R. 7-3.[3] Accordingly,

16 pursuant to L.R. 7-4, the Court declines to consider the Motion. The Court

17 admonishes counsel henceforth to comply strictly with all Local Rules, including

18 L.R. 7-3.

19 Based on the foregoing, the Court hereby **ORDERS** that Heredia's

20 Motion is **DENIED without prejudice**.

21 **IT IS SO ORDERED.**

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23 Dated: January 5, 2021

24 John W. Holcomb
   UNITED STATES DISTRICT JUDGE

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26 [1] Def.'s Mot. to Dismiss Compl. (the "Motion") [ECF No. 9].

27 [2] The Court considered the following papers: (1) the Motion (including its attachments); (2) Pl.'s Opp'n to the Motion [ECF No. 14]; and (3) Def.'s Resp. in Supp. of the Motion (the "Reply") [ECF No. 17].

28 [3] Reply 2:7–9.