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Superior Court of California, County of San Diego
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Attorneys for Defendant, The Honorable Joel R. Wohlfeil,
Judge of the Superior Court of California, County of
San Diego

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ANDREW FLORES, et al.,

Plaintiffs,

v.

GINA M. AUSTIN, et al.,

Defendants.

Case No. 20-cv-0656-TWR-DEB

**REPLY IN SUPPORT OF
DEFENDANT JUDGE JOEL R.
WOHLFEIL’S MOTION TO DISMISS
FIRST AMENDED COMPLAINT
WITH PREJUDICE**

Date: May 5, 2021

Time: 1:30 p.m.

Crtrm: 3A (Schwartz)

Judge: The Honorable Todd W. Robinson

**[NO ORAL ARGUMENT
REQUESTED]**

PLEASE TAKE NOTICE that Defendant The Honorable Joel R. Wohlfeil,
Judge of the Superior Court of California, County of San Diego (“Judge Wohlfeil”),
hereby submits the following reply in support of his Motion to Dismiss First Amended
Complaint.

On January 13, 2021, Defendant filed and served his Motion to Dismiss
Plaintiff’s First Amended Complaint with prejudice, with a hearing date of May 5,

1 2021. Pursuant to the Honorable Todd W. Robinson’s Civil Standing Order, section
2 III(B)(2), Plaintiff’s opposition was due April 7, 2021. As of 11:30 a.m., April 15,
3 2021, Judge Wohlfeil has not received any opposition from Plaintiff, and PACER does
4 not show that an opposition has been filed.

5 The failure to file an opposition constitutes a consent to the granting of a motion
6 pursuant to Civil Local Rule 7.1.f.3.c. of the Local Rules of Practice for the United
7 States District Court for the Southern District of California. Further, by failing to file
8 an opposition, Plaintiff concedes the merit of Judge Wohlfeil’s arguments and that he
9 cannot cure the deficiencies of the First Amended Complaint via amendment.
10 Accordingly, for all of the reasons set forth in the Motion to Dismiss, Judge Wohlfeil
11 respectfully requests this Court to grant his Motion to Dismiss First Amended
12 Complaint, with prejudice, and enter judgment in his favor.

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14 SUSANNE C. KOSKI
15 Superior Court of California, County of San
16 Diego

16 DATED:

17 April 15, 2021

17 By: s/ Carmela E. Duke
18 CARMELA E. DUKE
19 Attorneys for Defendant, The Honorable Joel
20 R. Wohlfeil, Judge of the Superior Court of
21 California, County of San Diego
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