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SUPERIOR COURT OF THE STATE OF CALIFORNIA

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COUNTY OF LOS ANGELES

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OSCAR DE LA TORRE and ELIAS
SERNA

Case No.: 21STCV08597

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Plaintiffs,

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, FOR SUMMARY
ADJUDICATION**

13

v.

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CITY OF SANTA MONICA and
DOES 1 through 10, inclusive

Date: March 24, 2022
Time: 8:30 a.m.
Dept. 15

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Defendants.

[Hon. Richard Fruin]

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1 Plaintiffs' Motion for Summary Judgment or, in the Alternative, for Summary Adjudication
2 came on for hearing on March 24, 2022. The Court has considered the evidence and arguments of
3 the parties.

4 After full consideration of the evidence, separate statements, and the authorities submitted by
5 counsel, as well as counsel's oral argument, the Court finds there is no triable issue of material fact,
6 and Plaintiffs are entitled to judgment as a matter of law for the following reasons:

- 7 1. Councilmember Oscar de la Torre has no *personal* interest in *Pico Neighborhood*
8 *Association, et al. v. City of Santa Monica*. Rather, the relief sought, and awarded, in
9 that case affects substantially every voter in Santa Monica.
- 10 2. Councilmember Oscar de la Torre, therefore, has no conflict of interest.
- 11 3. Defendant's evidence of Councilmember de la Torre's relationships with the plaintiffs
12 in *Pico Neighborhood Association, et al. v. City of Santa Monica* is not a substitute for
13 a personal interest;
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16 IT IS THEREFORE ORDERED that the said motion for summary judgment is GRANTED
17 and that judgment shall be entered forthwith in favor of Plaintiffs and against Defendant.

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19 DATED: _____

Honorable Richard Fruin
Judge of the Superior Court