

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Ding v. City of San Diego

Ding · No. 25-cv-01683-AJB-JLB · Decided October 2, 2025

SUMMARY

The United States District Court for the Southern District of California ordered defendants to file copies of two cited authorities supporting their motions to dismiss and requests for judicial notice. The court also required a declaration identifying the authorities' sources and stating whether generative AI was used in drafting the motions and requests.

OPINION

1 2 3 4 5 6 7 8 9 UNITED STATES DISTRICT COURT 10 SOUTHERN DISTRICT OF
CALIFORNIA 11 12 CHU DING, Case No.: 25-cv-01683-AJB-JLB 13 Plaintiff, ORDER
DIRECTING DEFENDANTS 14 v. TO FILE COPIES OF CITED AUTHORITIES ALONG
WITH A 15 CITY OF SAN DIEGO, et al., DECLARATION ATTESTING TO 16 Defendants.
THEIR SOURCE 17 18 On September 3, 2025, Defendants City of San Diego, Jonathan Ferraro,
Patrick 19 Richards, Emilee Emamjomeh, James Ealson, Scott Wahl, and Does 1–25 filed motions
to 20 dismiss.

(Doc. Nos. 14-1; 15-1.) Defendants included substantively identical “Request[s] 21 for Judicial
Notice/Incorporation by Reference in Support of their Motions to Dismiss” 22 with their Motions.
(Doc. Nos. 14-2; 15-2.)

In support of their Requests, Defendants rely 23 in part on two cases. Defendants state: 24 In the
specific context of body-worn camera footage, the Ninth Circuit has permitted reliance on video
where the complaint itself references the footage 25 and authenticity is undisputed. *J.K.J. v. City
of San Diego*, 93 F.4th 1061, 26 1071–72 (9th Cir. 2024). 27 28 (Doc.

Nos. 14-2 at 5; 15-2 at 5.) Defendants also say: 1 Other circuits have adopted a more pragmatic
approach, recognizing that district courts may consider video evidence at dismissal where it
clearly contradicts the pleadings. See, e.g., *Davis v. City of Apopka*, 78 F Ath 1322, 3 1328-29
(11th Cir. 2023) (relying on body-camera video at 12(b)(6) to reject 4 allegations contradicted by
footage).

5 ||(Doc. Nos. 14-2 at 6; 15-2 at 6). 6 Using Westlaw and Lexis, the Court has attempted to locate
the cited authorities and 7 || any passages contained therein that support Defendants’ propositions.
The Court has not 8 able to do so.

The Court therefore directs Defendants to provide copies of the cited 9 || authorities with the relevant passages highlighted. 10 Accordingly, the Court ORDERS Defendants to file copies of the cited authorities 11 AKU. v. City of San Diego, 93 F.4th 1061 (9th Cir. 2024),” and “Davis v. City of Apopka, 12 || 78 F.4th 1322 (11th Cir. 2023),” along with a declaration attesting to their source (e.g., 13 || website, reporter, court docket) no later than October 9, 2025.

Finally, counsel’s 14 |/declaration must state whether generative AI was used in writing the Motions and 15 || Requests. 16 IT IS SO ORDERED. 17 || Dated: October 2, 2025 19 United States District Judge 20 21 22 23 24 25 26 27 28