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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

FREE SPIRIT ORGANICS, NAC, et al.,

Plaintiffs,

v.

SAN JOAQUIN COUNTY BOARD OF SUPERVISORS, et al.,

Defendants.

Case No. 2:17-CV-02271-KJM-EFB

NOTICE OF MOTION AND MOTION TO DISMISS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

Filed concurrently with:
Request for Judicial Notice

Hearing on Motion to Dismiss:
Judge: Hon. Kimberly J. Mueller
Date: September 25, 2020
Time: 10:00 a.m.
Crtrm. 3 (15th Floor)

Trial Date: None
Action Filed: October 30, 2017

NOTICE OF MOTION AND MOTION TO DISMISS

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on **September 25, 2020**, at **10:00 a.m.**, or as soon thereafter as the matter may be heard in **Courtroom 3** of the above-entitled Court, located at 501 I Street, Sacramento, California 95814, Defendants SAN JOAQUIN COUNTY BOARD OF SUPERVISORS, SAN JOAQUIN COUNTY COUNSEL, ERIN HIROKO SAKATA, MIGUEL VILLAPUDUA, KATHERINE MILLER, TOM PATTI, BOB ELLIOTT, CHUCK WINN, and SAN JOAQUIN COUNTY SHERIFF (collectively "San Joaquin Defendants") will, and hereby do, move to dismiss each attempted claim for relief in Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that the Complaint fails to state a claim upon which relief can be granted and the individual defendants are entitled to either absolute or qualified immunity.

On July 30, 2020, undersigned counsel attempted to obtain a stipulated 15 day extension of time within which to file responsive pleadings. Plaintiffs refused. On August 7, undersigned counsel sent a meet and confer email to Plaintiffs' counsel regarding the Moton to Dismiss. Plaintiffs' counsel did not respond.

The Motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities attached hereto, the Request for Judicial Notice, the file and record in this case, and such other points and authorities as the Court may deem fit to consider at the hearing.

Dated: August 11, 2020 COLE HUBER LLP

By: ***/s/ Ronald J. Scholar***
Ronald J. Scholar
Attorneys for Defendants
SAN JOAQUIN COUNTY BOARD OF SUPERVISORS; SAN JOAQUIN COUNTY COUNSEL; ERIN HIROKO SAKATA; MIGUEL VILLAPUDUA; KATHERINE MILLER; TOM PATTI; BOB ELLIOTT; CHUCK WINN; SAN JOAQUIN COUNTY SHERIFF

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