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MILLER; TOM PATTI; BOB ELLIOTT;
9 CHUCK WINN; SAN JOAQUIN COUNTY
SHERIFF

10
11 UNITED STATES DISTRICT COURT
12

13 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION
14

15 13 FREE SPIRIT ORGANICS, NAC, et al.,
Plaintiffs,

16 v.
17 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

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NOTICE OF MOTION AND MOTION TO DISMISS

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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

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

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

20 | Dated: August 11, 2020

COLE HUBER LLP

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

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