

DEREK P. COLE, Bar No. 204250  
dcole@colehuber.com  
RONALD J. SCHOLAR, Bar No. 187948  
rscholar@colehuber.com  
COLE HUBER LLP  
2281 Lava Ridge Court, Suite 300  
Roseville, California 95661  
Telephone: (916) 780-9009  
Facsimile: (916) 780-9050

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

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 Motion 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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