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10 UNITED STATES DISTRICT COURT
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 12 WESTERN DIVISION
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14	Travis Middleton, et al.,)	Case No. 2:16-cv-05224-SVW-AGR
15)	
16	Plaintiffs,)	NOTICE OF LEGISLATIVE
17)	DEFENDANTS' MOTION AND
18	v.)	MOTION TO DISMISS
19	Richard Pan, et al.,)	PLAINTIFFS' FIRST AMENDED
20)	COMPLAINT
21	Defendants.)	[<i>F.R. Civ. P.</i> , Rule 12(b)(1) and (6)]
22)	Date: December 13, 2016
23)	Time: 10:00 a.m.
24)	Courtroom B, Eighth Floor
)	Hon. Alicia G. Rosenberg

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1 TO THE COURT AND ALL PARTIES HEREIN:

2 PLEASE TAKE NOTICE THAT on December 13, 2016, at 10:00 a.m., or as
3 soon as the matter may be heard by the Honorable Alicia G. Rosenberg in courtroom
4 8B of the above-entitled Court located at 312 North Spring Street, Los Angeles,
5 California 90012, Defendants Assembly Member Catharine Baker, Assembly Member
6 Richard Bloom, Assembly Member David Chiu, Assembly Member Jim Cooper,
7 Assembly Member Cristina Garcia (erroneously sued as Christina Garcia), Assembly
8 Member Lorena Gonzalez, Assembly Member Reginald Jones-Sawyer, Assembly
9 Member Evan Low, Assembly Member Adrin Nazarian, Assembly Member Bill
10 Quirk, Assembly Member Anthony Rendon, Assembly Member Mark Stone,
11 Assembly Member Jim Wood, Senator Ben Allen, Senator Jim Beall, Senator Marty
12 Block, Senator Kevin de Leon, Senator Robert Hertzberg, Senator Mark Leno,
13 Senator Isadore Hall, Senator Jerry Hill, Senator Hannah-Beth Jackson, Senator Mike
14 McGuire, Senator Holly Mitchell, Senator Richard Pan, Senator Jeff Stone, Senator
15 Bob Wieckowski, Senator Lois Wolk, Wen-Li Wang (erroneously sued as Win-Li
16 Wang), and Bruce Wolk (collectively “Legislative Defendants”) will and hereby
17 moves to dismiss this action under Rule 12(b)(6) of the Federal Rules of Civil
18 Procedure, on the following grounds:

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- 20 1. Plaintiffs’ claims against Legislative Defendants are barred by the doctrine of
21 legislative immunity.
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- 1 2. Plaintiffs' claims against Legislative Defendants are barred by the Eleventh
2 Amendment to the United States Constitution.
- 3 3. The First Amended Complaint fails to state a claim upon which relief can be
4 granted against Legislative Defendants under Rule 12(b)(6) of the Federal
5 Rules of Civil Procedure.
- 6 4. The First Amended Complaint does not comply with Rule 8 of the Federal
7 Rules of Civil Procedure.
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10 This motion is based on this Notice of Motion, the Memorandum of Points and
11 Authorities in support thereof, the documents on file with the Court, such other
12 records and documents of which the Court may be requested to take judicial notice,
13 and any oral argument to the extent the Court deems such argument necessary.
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15 This motion is made following a meet and confer conference pursuant to Local
16 Rule 7-3 between counsel for Legislative Defendants, Cara L. Jenkins, and *pro se*
17 Plaintiff Travis Middleton which took place beginning on September 13, 2016, and
18 ending on October 24, 2016.
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20 Dated: October 26, 2016

21 Respectfully submitted,
22 DIANE F. BOYER-VINE
23 Legislative Counsel

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25 By: /s/ Cara L. Jenkins
26 Cara L. Jenkins
27 Deputy Legislative Counsel
28 Attorneys for Legislative Defendants