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9 Attorneys for Legislative Defendants

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 11 UNITED STATES DISTRICT COURT  
 12 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 13 WESTERN DIVISION  
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15	Travis Middleton, et al.,	)	Case No. 2:16-cv-05224-SVW-AGR
16	Plaintiffs,	)	
17		)	<b>NOTICE OF LEGISLATIVE</b>
18	v.	)	<b>DEFENDANTS' MOTION AND</b>
19	Richard Pan, et al.,	)	<b>MOTION TO DISMISS</b>
20	Defendants.	)	<b>PLAINTIFFS' SECOND AMENDED</b>
21		)	<b>COMPLAINT</b>
22		)	[ <i>F.R. Civ. P.</i> , Rule 12(b)(1) and (6)]
23		)	Date: September 11, 2017
24		)	Time: 1:30 p.m.
25		)	Courtroom 10A, Tenth Floor
26		)	Hon. Stephen V. Wilson
27		)	
28		)	

1 TO THE COURT AND ALL PARTIES HEREIN:

2 PLEASE TAKE NOTICE THAT on September 11, 2017, at 1:30 p.m., or as  
3 soon as the matter may be heard by the Honorable Stephen V. Wilson in courtroom  
4 10A of the above-entitled Court located at 350 W. 1st Street, Los Angeles, California  
5 90012, Defendants Assembly Member Catharine Baker, Assembly Member Richard  
6 Bloom, Assembly Member David Chiu, Assembly Member Jim Cooper, Assembly  
7 Member Cristina Garcia (erroneously sued as Christina Garcia), Assembly Member  
8 Lorena Gonzalez, Assembly Member Reginald Jones-Sawyer, Assembly Member  
9 Evan Low, Assembly Member Adrin Nazarian, Assembly Member Bill Quirk,  
10 Assembly Member Anthony Rendon, Assembly Member Mark Stone, Assembly  
11 Member Jim Wood, Senator Ben Allen, Senator Jim Beall, Senator Marty Block,  
12 Senator Kevin de Leon, Senator Robert Hertzberg, Senator Mark Leno, Senator  
13 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), Bruce Wolk, and Deputy Legislative Counsel Cara L. Jenkins (collectively  
17 “Legislative Defendants”) will and hereby moves to dismiss this action under Rule  
18 12(b)(6) of the Federal Rules of Civil Procedure, on the following grounds:  
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- 1 1. Plaintiffs' Second Amended Complaint fails to address the deficiencies in their  
2 First Amended Complaint, as outlined in the Magistrate's Report and  
3 Recommendation dated December 15, 2016 (Docket No. 123), which was  
4 approved and adopted by this Court on July 13, 2017 (Docket No. 135).
- 5  
6 2. Plaintiffs' claims against Legislative Defendants are barred by the doctrine of  
7 legislative immunity.
- 8  
9 3. Plaintiffs' claims against Legislative Defendants are barred by the Eleventh  
10 Amendment to the United States Constitution.
- 11  
12 4. Plaintiffs' claims against Deputy Legislative Counsel Cara L. Jenkins are  
13 barred on the grounds that she is a government attorney and is immune from  
14 suit for conduct in the performance of her official duties.
- 15  
16 5. The Second Amended Complaint fails to state a claim upon which relief can be  
17 granted against Legislative Defendants under Rule 12(b)(6) of the Federal  
18 Rules of Civil Procedure.
- 19  
20 6. The Second Amended Complaint does not comply with Rule 8 of the Federal  
21 Rules of Civil Procedure.
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- 23
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25 This motion is based on this Notice of Motion, the Memorandum of Points and  
26 Authorities in support thereof, the documents on file with the Court, such other  
27 records and documents of which the Court may be requested to take judicial notice,  
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1 and any oral argument to the extent the Court deems such argument necessary.

2 This motion is made following a meet and confer conference pursuant to Local  
3 Rule 7-3 between counsel for Legislative Defendants, Cara L. Jenkins, and *pro se*  
4 Plaintiff Travis Middleton which took place on August 3, 2017.  
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6 Pursuant to Local Rule 5-4.3.4(a)(2)(i), the filer of this document attests that all  
7 signatories listed on whose behalf the filing is submitted concur in the content and  
8 have authorized the filing.  
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12 Dated: August 14, 2017

Respectfully submitted,  
DIANE F. BOYER-VINE  
Legislative Counsel

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15 By: /s/ Cara L. Jenkins  
16 Cara L. Jenkins  
17 Deputy Legislative Counsel  
18 Attorneys for Legislative Defendants

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20 DIANE F. BOYER-VINE  
21 Legislative Counsel

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23 By: /s/ Robert A. Pratt  
24 Robert A. Pratt  
25 Principal Deputy Legislative Counsel  
26 Attorneys for Defendant Deputy Legislative  
27 Counsel Cara L. Jenkins  
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