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9 Attorneys for Plaintiff
 10 ERIC GRANT

11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA

14 ERIC GRANT,
 15 Plaintiff,
 16 v.
 17 KAMEHAMEHA SCHOOLS/BERNICE
 PAUAHI BISHOP ESTATE; J. DOUGLAS ING,
 18 NAINOA THOMPSON, DIANE J. PLOTTS,
 ROBERT K.U. KIHUNE, and CORBETT A.K.
 19 KALAMA, in their capacities as Trustees of the
 Kamehameha Schools/Bernice Pauahi Bishop
 20 Estate; JOHN DOE; and JANE DOE,
 21 Defendants.

22 JOHN DOE and JANE DOE,
 23 Counter-Claimants,
 24 v.
 25 KAMEHAMEHA SCHOOLS/BERNICE
 PAUAHI BISHOP ESTATE, et al.,
 26 Counter-Defendants.
 27

CASE NO. 2:08-cv-00672-FCD-KJM
**PLAINTIFF AND COUNTER-DEFENDANT
 ERIC GRANT'S SECOND AMENDED
 NOTICE OF MOTION AND MOTION FOR
 SUMMARY JUDGMENT**

DATE: December 12, 2008
TIME: 10:00 A.M.
COURTROOM: 2
JUDGE: Hon. Frank C. Damrell, Jr.

{00041462.DOC; 1}

1 **NOTICE OF MOTION**

2 TO DEFENDANTS AND THEIR COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE that on December 12, 2008, at 10:00 A.M., or as soon thereafter as the
4 matter may be heard in the above-entitled Court, located at 501 "I" Street, Sacramento, California,
5 Plaintiff and Counter-Defendant Eric Grant ("Grant") will move for summary judgment as set forth
6 below.

7 **MOTION FOR SUMMARY JUDGMENT**

8 Pursuant to Federal Rule of Civil Procedure 56(a) and Local Rule 56-260(a), the pleadings on
9 file, together with the declarations filed herewith, show that there is no genuine issue as to any material
10 fact and that Grant is entitled to judgment as a matter of law. Specifically, Grant seeks a judgment

11 (a) against Defendant Kamehameha Schools/Bernice Pauahi Bishop Estate, along with
12 Defendants J. Douglas Ing, Nainoa Thompson, Diane J. Plotts, Robert K.U. Kihune, and Corbett A.K.
13 Kalama, in their capacities as Trustees of the Kamehameha Schools/Bernice Pauahi Bishop Estate
14 (collectively, "KSBE"), declaring that Grant is not liable in any manner to KSBE in contract or in tort or
15 on any other basis whatsoever—whether for money damages or for any other kind of relief—with
16 respect to, pertaining to, or arising from any alleged breach of the Doe-KSBE settlement agreement by
17 any person, or for any alleged disclosures of confidential information by John Goemans, or for any
18 related matter; and

19 (b) against Defendants and Counter-Claimants John Doe and Jane Doe ("the Does")

20 (1) declaring, on Grant's Claim for Relief, that Grant is not liable in any manner to
21 the Does in contract or in tort or on any other basis whatsoever—whether for money damages or for any
22 other kind of relief—with respect to, pertaining to, or arising from any alleged breach of the Doe-KSBE
23 settlement agreement by any person, or for any alleged disclosures of confidential information by John
24 Goemans, or for any related matter;

25 (2) declaring, on the Does' Third, Fourth, and Fifth Counter-Claims for Relief, that
26 the Does are not entitled to indemnity, in whole or in part, from Grant for any sum the Does may pay to
27 KSBE; and also that the Does are not entitled to indemnity, in whole or in part, from Grant for any costs,
28 expenses, or attorney's fees the Does have incurred or will incur either (i) in defending themselves

1 against claims by KSBE or any other party to this action, or (ii) in prosecuting their counter-claims and
2 cross-claims; and

3 (3) for all reasonable costs, expenses, and attorneys' fees incurred by Grant as a result
4 of this action.

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6 DATED: October 10, 2008

Respectfully submitted,

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BANKS & WATSON

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By: /s/ James J. Banks

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JAMES J. BANKS
Attorneys for Plaintiff and Counter-Defendant
ERIC GRANT

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