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6 **Attorneys for Defendants**
7 **County of El Dorado and**
8 **El Dorado County Sheriff's Office**
9 **(sued herein as El Dorado County**
10 **Sheriff's Department)**

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

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12 Simmone Graham
13 aka Simmone Adelyn Coraham,

14 Plaintiff,

15 v.

16 ~~Graham v. City of South Lake Tahoe et al~~
17 ~~City of South Lake Tahoe, et al.,~~

17 Defendants.

Case No. 2:10-CV-02335-JAM-KJM

**ORDER ON DEFENDANTS' MOTIONS
TO DISMISS PLAINTIFF'S COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Date: March 9, 2011

Time: 9:30 a.m.

Courtroom: 6

Judge John A. Mendez

21 On August 30, 2010, Plaintiff filed a complaint against several defendants asserting the
22 following causes of action: (1) Violation of 42 U.S.C. Section 1983; (2) Violation of California Civil
23 Code Section 52.1 (Civil Action for Protection of Rights); (3) Discrimination Based on Disability
24 (Title II of ADA); (4) Negligence; and (5) Attorney's Fees. Defendants County of El Dorado and El
25 Dorado County Sheriff's Office's (sued herein as El Dorado County Sheriff's Department), State of
26 California, California Highway Patrol, Martaim, V. Sherry, D. Lopez, Terry Daniels, City of South
27 Lake Tahoe Police Department, City of South Lake Tahoe (hereinafter, collectively "Moving
28

1 Defendants”) filed separate motions to dismiss Plaintiff’s Complaint pursuant to Fed. R. Civ. P.
2 12(b)(6).

3 The motions by the Moving Defendants came on for oral argument on March 9, 2011.
4 Present at the hearing for Plaintiff were William M. O’Mara, and Steven Scheerer. Andrew T.
5 Caulfield appeared on behalf of Defendants County of El Dorado and El Dorado County Sheriff’s
6 Office (sued herein as El Dorado County Sheriff’s Department). Patrick L. Enright appeared on
7 behalf of Defendants Terry Daniels, City of South Lake Tahoe Police Department, and the City of
8 South Lake Tahoe. Catherine W. Guess appeared on behalf of Defendants State of California,
9 California Highway Patrol, Martaim, V. Sherry, and D. Lopez.

10 After considering the moving and reply papers filed by Moving Defendants, the opposition
11 papers filed by Plaintiff, and oral argument of counsel at the hearing, and good cause appearing
12 therefor, the Court finds that there is no legal basis for any of the five causes of action set forth in
13 Plaintiff’s Complaint against any of the Moving Defendants. The Court further finds that it would
14 be futile to grant leave to allow Plaintiff to amend the Complaint as against any of the Moving
15 Defendants.

16 **THEREFORE, IT IS HEREBY ORDERED** that:

- 17 (1) The Motion to Dismiss brought by Defendants County of El Dorado and El Dorado
18 County Sheriff’s Office (sued herein as El Dorado County Sheriff’s Department) is
19 granted with prejudice. Plaintiff’s Complaint as against these Defendants is dismissed
20 without leave to amend.
- 21 (2) The Motion to Dismiss brought by Defendants State of California, California Highway
22 Patrol, Martaim, V. Sherry, and D. Lopez is granted with prejudice. Plaintiff’s
23 Complaint as against these Defendants is dismissed without leave to amend.
- 24 ~~(3) The Motion to Dismiss brought by Defendants State of California, California Highway~~
25 ~~Patrol, Martaim, V. Sherry, and D. Lopez is granted with prejudice. Plaintiff’s~~
26 ~~Complaint as against these Defendants is dismissed without leave to amend.~~

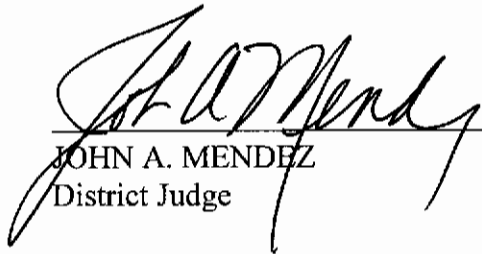
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The Motion to Dismiss brought by Defendants Terry Daniels, City of South Lake Tahoe Police Department, City of South Lake Tahoe is granted with prejudice. Plaintiff's Complaint as against these Defendants is dismissed without leave to amend.

IT IS SO ORDERED.

Dated: 3-11-2011



JOHN A. MENDEZ
District Judge