

1 XAVIER BECERRA  
 Attorney General of California  
 2 THOMAS PATTERSON  
 Senior Assistant Attorney General  
 3 MICHAEL NEWMAN  
 SATOSHI YANAI  
 4 Supervising Deputy Attorneys General  
 CHRISTINE CHUANG  
 5 ANTHONY HAKL  
 CHEROKEE MELTON  
 6 LEE I. SHERMAN  
 Deputy Attorneys General  
 7 State Bar No. 272271  
 300 S. Spring Street  
 8 Los Angeles, CA 90013  
 Telephone: (213) 269-6404  
 9 Fax: (213) 897-7605  
 E-mail: Lee.Sherman@doj.ca.gov  
 10 *Attorneys for Defendants*

11  
 12 IN THE UNITED STATES DISTRICT COURT  
 13 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 14

15  
 16 **THE UNITED STATES OF AMERICA,**

Case No. 2:18-cv-00490-JAM-KJN

17 Plaintiff,

18 v.

**DEFENDANTS' NOTICE OF MOTION  
 AND MOTION TO DISMISS**

19  
 20 **THE STATE OF CALIFORNIA; EDMUND  
 GERALD BROWN JR., Governor of  
 California, in his official capacity; and  
 21 XAVIER BECERRA, Attorney General of  
 California, in his official capacity,**

Date: None set  
 Time: None set  
 Courtroom: 6  
 Judge: The Honorable John A.  
 Mendez  
 Trial Date: None set  
 Action Filed: March 6, 2018

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 23 Defendants.  
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1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** Defendants the State of California, Edmund Gerald  
3 Brown Jr., Governor of California, in his official capacity, and Xavier Becerra, Attorney General  
4 of California, in his official capacity, move this Court to dismiss Plaintiff United States'  
5 complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). Pursuant to  
6 the Court's Order (ECF. No. 71), no hearing date is set on this motion and the motion will not be  
7 heard before June 20, 2018.

8 This motion is based on this Notice of Motion, the accompanying Memorandum of Points  
9 and Authorities, Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction, Request  
10 for Judicial Notice in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary  
11 Injunction and Defendants' Motion to Dismiss, the other papers and pleadings on file in this  
12 action, and upon such matters as may be presented to the Court.

13  
14 Dated: May 4, 2018

Respectfully Submitted,

15 XAVIER BECERRA  
16 Attorney General of California  
17 THOMAS S. PATTERSON  
18 Senior Assistant Attorney General  
19 MICHAEL L. NEWMAN  
20 SATOSHI YANAI  
21 Supervising Deputy Attorneys General

*/s/ Christine Chuang*  
*/s/ Anthony R. Hakl*  
*/s/ Cherokee DM Melton*  
*/s/ Lee I. Sherman*

22 CHRISTINE CHUANG  
23 ANTHONY R. HAKL  
24 CHEROKEE DM MELTON  
25 LEE I. SHERMAN  
26 Deputy Attorneys General  
27 *Attorneys for Defendants*  
28

