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CITY OF STOCKTON and CHRISTIAN CLEGG

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RALHP LEE WHITE,	)	Case No. 2:19-CV-00913-JAM-EFB
	)	
Plaintiff,	)	NOTICE OF MOTION AND MOTION
	)	TO DISMISS
vs.	)	<i>Fed.R.Civ.Proc. 12(b)(1), 12(b)(6)</i>
	)	
CITY OF STOCKTON, et al.,	)	Date: July 17, 2019
	)	Time: 10:00 a.m.
Defendants.	)	Courtroom: 8, 13 th Floor
	)	Judge: Hon. Edmund F. Brennan

NOTICE

TO PLAINTIFF, ALL PARTIES, AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that on July 17, 2019, at 10:00 AM, or as soon thereafter as the matter may be heard, a hearing will be held in Courtroom 8 of the above-entitled Court located at 501 "I" Street, 13th Floor, Sacramento, California, on the Motion of Defendants City of Stockton and Christian Clegg, sued and served herein only in his official capacity as Interim City Clerk (hereinafter "City Defendants"), seeking the dismissal with prejudice of Plaintiff's Complaint pursuant to Rule 12 of the Federal Rules of Civil Procedure.

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Pursuant to Local Rule 302(c)(21), all actions filed in the Sacramento court where all the plaintiffs or defendants are *in propria persona*, including dispositive and non-dispositive matters, shall be heard by the assigned Magistrate Judge.

MOTION

City Defendants move this Court for an Order dismissing Plaintiff's Complaint (Doc. 1) with prejudice. Specifically, this Motion shall be made on the grounds pursuant to Rule 12:

1. Plaintiff Has No Standing Under Rule 12(b)(1) To Sue The City of Stockton For An Alleged Violation Of 52 U.S.C. § 20507;
2. Plaintiff Failed To Give Statutory Notice Under 52 U.S.C. § 20510(b);
3. 52 U.S.C. § 20507 Provides No Legal Mechanism To Address Plaintiff's Issues Obtaining Petition Signatures For A Local Ballot Issue; and
4. Plaintiff's Demand For An Injunction Stopping City Ordinance No. 2019-02-05-1403 Must Be Dismissed Because There Are No Facts Or Legal Basis For The Court To Do So.

This Motion is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities filed and served herewith, all pleadings and papers on file in this action, and upon such other evidence and argument as may be presented at the hearing.

This Motion is made following the conference of counsel pursuant to the Court's Standing Order which took place on June 4, 2019. See Declaration of Jamil R. Ghannam, filed contemporaneously herewith.

Based on the applicable law as it applies to Plaintiff's operative Complaint (Doc. 1), the City and Christian Clegg respectfully request that the Court grant this Motion and grant the requested relief:

Plaintiff's claim for relief under 52 U.S.C. § 20507 against the City and Christian Clegg is hereby DISMISSED; and

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1 The dismissal of Plaintiff's claim for relief under 52 U.S.C. § 20507 as to the City and
2 Christian Clegg is WITH PREJUDICE AND WITHOUT LEAVE TO AMEND BASED ON
3 FUTILITY.

4 Dated: June 10, 2019

JOHN M. LUEBBERKE
CITY ATTORNEY

6 BY /s/ Jamil R. Ghannam
JAMIL R. GHANNAM
7 DEPUTY CITY ATTORNEY

8 Attorneys for Defendants
CITY OF STOCKTON and
9 CHRISTIAN CLEGG