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5 Attorneys for Defendants County of San Diego, William D. Gore, Jan Caldwell,  
Thomas Seiver, Brendan Cook, Jesse Allensworth, James Breneman, Michael Proctor,  
6 San Diego County Sheriff’s Department, and Bonnie Dumanis

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

9 AMERICAN NEWS AND )  
INFORMATION SERVICES, INC., a )  
10 Connecticut Corporation; EDWARD A. )  
PERUTA; and JAMES C. PLAYFORD, )

11 Plaintiffs, )

12 v. )

13 WILLIAM D. GORE, individually and in )  
14 his official capacity as San Diego County )  
Sheriff; JAN CALDWELL, individually )  
15 and in her official capacity as San Diego )  
County Sheriff’s Department Public )  
16 Affairs Director; THOMAS SEIVER, )  
San Diego County Sheriff’s Department )  
17 Deputy, individually; BRENDAN COOK, )  
San Diego County Sheriff’s Department )  
18 Deputy, individually; JESSE )  
ALLENSWORTH, San Diego County )  
19 Sheriff’s Department Deputy, individually; )  
JAMES BRENEMAN, San Diego County )  
20 Sheriff’s Department Deputy, individually; )  
MICHAEL PROCTOR, San Diego County )  
21 Sheriff’s Department Deputy, individually; )  
JOHN DOE 1-10; San Diego County )  
22 Sheriff’s Department; WILLIAM )  
LANSDOWNE, individually and in his )  
23 official capacity as San Diego Police )  
Chief; JOHN DOE 1-10; San Diego Police )  
24 Department; and BONNIE DUMANIS, )  
25 individually and in her official capacity as )  
San Diego County District Attorney; )  
26 JOHN DOE 1-10; San Diego County )  
District Attorney’s Office, individually, )

27 Defendants. )  
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No. 12-cv-2186-BEN(KSC)

NOTICE OF MOTION AND MOTION  
FOR SUMMARY JUDGMENT

Date: April 22, 2016  
Time: 10:30 a.m.  
Dept.: 4D - Courtroom of the  
Honorable Roger T. Benitez  
Trial Date: None

1 TO: PLAINTIFF AND HIS ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on April 22, 2016, at 10:30 a.m., or as soon  
3 thereafter as the matter may be heard, in the courtroom of the Honorable Roger T.  
4 Benitez, United States District Judge, located at 221 West Broadway, San Diego,  
5 California, Defendants County of San Diego, William D. Gore and Jan Caldwell will  
6 move this Court, pursuant to Federal Rules of Civil Procedure, rule 56, for summary  
7 judgment.

8 The grounds for this motion are that there are no genuine issues as to any of the  
9 material facts or matters described in the papers served herewith, and the moving party is  
10 entitled to summary judgment as a matter of law.

11 This motion is based upon this notice of motion and motion, the accompanying  
12 memorandum of points and authorities, the declarations of Jan Caldwell, Jeff Duckworth  
13 and Thomas Seiver, the separate statement of undisputed material facts and supporting  
14 evidence, the notice of lodgment combined with request for judicial notice and Exhibits  
15 A - D attached thereto, on all pleadings and papers on file in this action, and upon such  
16 other matters as may be presented to the Court at the time of the hearing.

17 DATED: March 24, 2016 THOMAS E. MONTGOMERY, County Counsel

18 By: s/ JAMES M. CHAPIN, Senior Deputy  
19 Attorneys for Defendants County of San Diego,  
20 William D. Gore, Jan Caldwell, Thomas Seiver,  
21 Brendan Cook, Jesse Allensworth, James Breneman,  
22 Michael Proctor, San Diego County Sheriff's  
23 Department, and Bonnie Dumanis  
24 E-mail: james.chapin@sdcounty.ca.gov  
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Declaration of Service

I, the undersigned, declare: That I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On March 25, 2016, I served the following documents: **(1) Notice Of Motion And Motion For Summary Judgment; (2) Memorandum Of Points And Authorities In Support Of Motion For Summary Judgment; (3) Separate Statement Of Undisputed Material Facts In Support Of Defendants' Motion For Summary Judgment; (4) Declaration Of Jan Caldwell In Support Of Defendants' Motion For Summary Judgment; (5) Declaration Of Jeff Duckworth In Support Of Defendants' Motion For Summary Judgment; (6) Declaration Of Thomas Seiver In Support Of Defendants' Motion For Summary Judgment; (7) Notice Of Lodgment Combined With Request For Judicial Notice In Support Of Motion For Summary Judgment** in the following manner:

By electronic filing, I served each of the above referenced documents by E-filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

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(Attorney for Plaintiffs)

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on March 25, 2016, at San Diego, California.

By: s/ JAMES M. CHAPIN  
E-mail: [james.chapin@sdcounty.ca.gov](mailto:james.chapin@sdcounty.ca.gov)