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9 Attorneys for the Defendants:  
10 STEVEN D. SILVERSTEIN, RON ELTER, and GRE  
11 DEVELOPMENT, INC. as agents and Trustee of the  
12 Via Corbina Trust #4

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**  
15 **SOUTHERN DIVISION**

16 CHARLES EDWARD LINCOLN, III

17 Plaintiff,

18 vs.

19 STEVEN D. SILVERSTEIN, RON ELTER,  
20 GRE DEVELOPMENT, INC., Individually  
21 and as agents for and Trustee of the Via  
22 Corbina Trust #4 JOHN MURK, DIANNE  
23 D'AGNOLO, The Honorable, SANDRA  
24 HUTCHENS, THE SHERIFF OF ORANGE  
25 COUNTY, CAL-WESTERN  
26 RECONVEYANCE, WELLS FARGO  
27 BANK, N.A., DENNIS STACY,  
28 COLDWELL BANKER, and JOHN &

CASE NO: SACV09-1072 DOC(Ex)

NOTICE OF MOTION AND  
MOTION TO DISMISS PURSUANT  
TO RULES 12(b)(1) AND 12(b)(6)  
OF THE FEDERAL RULES OF  
CIVIL PROCEDURE  
(F.R. C.P. RULE 12)

DATE: November 16, 2009  
TIME: 8:30 a.m.  
COURTROOM: 9D  
(reserved)

1 JANE DOES 1-20,

2  
3 Defendants.

4 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

5 Please take notice on November 16, 2009, at the hour of 8:30 a.m. or as  
6 soon thereafter as counsel may be heard in Courtroom 9D of the above-entitled  
7 Court located at 411 West Fourth Street, Santa Ana, California 92701, the  
8 Defendants, STEVEN D. SILVERSTEIN, RON ELTER, and GRE  
9 DEVELOPMENT, INC. as agents and Trustee of the Via Corbina Trust #4  
10 will move this Court to Dismiss the Complaint in this action.  
11  
12

13  
14 This Motion will be made upon its papers and filings, the Memorandum of  
15 Points and Authorities as well as such oral argument that may occur at the  
16 hearing in this action should this Court invite oral argument.  
17

18 This motion is made following the conference of counsel pursuant to L.R.  
19 7-3 which took place on October 9, 2009.  
20

21 Respectfully submitted,

22 LARRY ROTHMAN & ASSOCIATES

23 Dated: October 13, 2009

24  
25 

26 LARRY ROTHMAN,  
27 Attorney for Defendants:

28 STEVEN D. SILVERSTEIN, RON ELTER, and GRE DEVELOPMENT, INC. as  
agents and Trustee of the Via Corbina Trust #4

PROOF OF SERVICE

State of California, County of Orange:

I am employed in the county and state aforesaid. I am over the age of 18 and not a party to the within action; my business address is: City Plaza, 1 City Boulevard West, Suite 850, Orange, California 92868

On October 13, 2009, served the foregoing document described as:

NOTICE OF MOTION AND MOTION TO DISMISS PURSUANT  
TO RULES 12(b)(1) AND 12(b)(6) OF THE FEDERAL RULES OF  
CIVIL PROCEDURE (F.R. C.P. RULE 12)

on the parties listed below in this action by placing a true copy thereof or the originals in a sealed envelope sent first class mail and addressed as follows:

**Charles Edward Lincoln, III**  
**c/o Dr. Orly Taitz, Attorney At Law**  
**29839 S. Margarita Parkway**  
**Rancho Santa Margarita, California 92688**

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 13, 2009, at Orange, California.

  
LARRY ROTHMAN