

EDMUND G. BROWN JR., State Bar No. 37100  
Attorney General of California  
DOUGLAS J. WOODS, State Bar No. 161531  
Supervising Deputy Attorney General  
GEOFFREY GRAYBILL, State Bar No. 53643  
Deputy Attorney General  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 324-5465  
Fax: (916) 324-8835  
E-mail: Geoffrey.Graybill@doj.ca.gov  
*Attorneys for Defendant Edmund G. Brown Jr.,  
Attorney General for the State of California*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**JAMES ROTHERY, Esq.; ANDREA  
HOFFMAN,**

Plaintiffs,

v.

**Former Sheriff LOU BLANAS; SHERIFF  
JOHN MCGINNIS; Detective TIM  
SHEEHAN; SACRAMENTO COUNTY  
SHERIFF'S DEPARTMENT, an  
independent branch of government of the  
COUNTY OF SACRAMENTO; COUNTY  
OF SACRAMENTO; STATE OF  
CALIFORNIA ATTORNEY GENERAL  
JERRY BROWN; DOES 1 through 225,  
unknown co-conspirators,**

Defendants.

Case No: 2:08-cv-02064-JAM-KJM

**NOTICE OF MOTION AND MOTION  
BY DEFENDANT ATTORNEY  
GENERAL EDMUND G. BROWN JR. TO  
DISMISS FIRST AMENDED  
COMPLAINT**

[Fed. R. Civ. P. 12(b)(1) & 12(b)(6) F

Date: July 1, 2009  
Time: 9:00 a.m.  
Ctrm: 6  
Judge: The Honorable  
John A. Mendez  
Action Filed: September 3, 2008

TO PLAINTIFFS James Rothery and Andrea Hoffman, and to their attorneys of record:

PLEASE TAKE NOTICE that on July 1, 2009, at 9:00 a.m., or as soon thereafter as the  
matter may be heard, in the Courtroom of the Honorable John A. Mendez, Judge, United States  
District Court for the Eastern District of California, defendant Edmund G. Brown Jr., Attorney  
General of California, sued in his official capacity, will move pursuant to Fed. R. Civ. P. 12(b)(1)

1 and 12(b)(6) for an order dismissing this matter in its entirety as to the Attorney General without  
2 leave to amend and with prejudice.

3 The Attorney General Brown moves to dismiss the complaint and each cause of action  
4 therein alleged against him on the ground that each fails to state a claim upon which relief may be  
5 granted against him. Fed. R. Civ. P. 12(b)(6)

6 The Attorney General also moves to dismiss the complaint on the grounds that this Court  
7 lacks jurisdiction over the subject matter because plaintiffs and each of them lack standing to  
8 bring their claims against the Attorney General and because the action and each claim stated  
9 therein is barred by the Eleventh Amendment. Fed. R. Civ. P. 12(b)(1)

10 This motion is based upon this notice of motion and motion, the memorandum of points and  
11 authorities, such oral argument as the Court may request, and the complete files and records of  
12 this case.

13 Dated: May 29, 2009

Respectfully submitted,

14 EDMUND G. BROWN JR.  
15 Attorney General of California  
16 DOUGLAS J. WOODS  
Supervising Deputy Attorney General

17 /s/ *Geoffrey Graybill*

18 GEOFFREY GRAYBILL  
19 Deputy Attorney General  
20 *Attorneys for Defendant Edmund G. Brown Jr.,*  
*Attorney General for the State of California*

21 SA2009307218  
22 30702297.doc  
23  
24  
25  
26  
27  
28