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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

PATRICK COLLINS, INC.
a California corporation,

Plaintiff,

v.

AJ BERNAL A.K.A. ABSALON JERRY BERNAL, JACINTO TRANN AND JOHN DOES 34-51,
Defendants.

Case No. 3:11-cv-02143-BEN-MDD

NOTICE OF MOTION & MOTION TO DISMISS OR ALTERNATE MOTION FOR A MORE DEFINITE STATEMENT; AND MOTION TO STRIKE AND FOR PROTECTION

Amended Complaint Filed: February 9, 2012

Hearing Date: May 14, 2012 at 10:30a.m.

YOU ARE HEREBY NOTIFIED that on **May 14, 2011 at 10:30 a.m.**, in Courtroom 3, of the Edward J. Schwartz U.S. District Courthouse, located at 940 Front Street, San Diego, CA 92101-8900, before the Honorable Roger T. Benitez, Defendant., A.J. Bernal a/k/a Absalon Jerry Bernal, an individual (hereinafter the "Moving Defendant"), will move, and hereby does move, this Court to Dismiss/Motion to Strike the Complaint filed against it by Patrick Collins, Inc. (hereinafter "Gang-bangers"), a California corporation. Moving Defendant brings this motion to dismiss pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6) and Rule 8, for failure to state a claim upon which relief can be granted, or in the alterative, for a more definite statement of the Complaint, pursuant to Federal Rules of Civil Procedure, Rule 12(e). Also, a motion to strike and for protection is made pursuant to Rule 12(f) to strike scandalous statements and/or redact Moving Defendant's name from the

1 record under Rule 26(c).

2 This motion is made pursuant to the Federal Rules of Civil Procedure and the Local Rules of
3 practice of this Court, and is supported by this notice and motion, the concurrently filed memorandum
4 of points and authorities, filings in this matter to date, and oral arguments to be heard by the Court, if
5 any, at the scheduled hearing.

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8 Dated: March 5, 2012

Respectfully submitted,

9 /s/ John K. Buche

10 John Karl Buche
11 BUCHE & ASSOCIATES, P.C.