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8 *Attorneys for Defendant Kristy Underwood,*

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 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 12 EASTERN DIVISION

13 **KEVON GORDON, RONALD JONES,  
 14 RAYMOND BARNES, QUINCY BROWN**

Plaintiffs,

15 v.

16 **CITY OF MORENO VALLEY, a  
 17 Municipal Corporation; COUNTY OF  
 RIVERSIDE; RICK HALL, CHIEF OF  
 18 THE MORENO VALLEY POLICE  
 DEPARTMENT, in his Official Capacity;  
 19 KRISTY UNDERWOOD, EXECUTIVE  
 OFFICER OF THE CALIFORNIA  
 20 BOARD OF BARBERING AND  
 COSMETOLOGY, in her Official  
 21 Capacity; STAN SNIFF, RIVERSIDE  
 COUNTY SHERIFF, in his Official  
 22 Capacity; TONY HEISTERBERG,  
 DENNIS LONGDYKE, LORI MILLER,  
 23 SETH HARTNETT, ROBERT  
 DUCKETT, MARIÓ HERRERA, ERIC  
 24 BREWER, ANTHONY JOHNSON,  
 CHRISTOPHER GASTINGER,  
 25 RICHARD HUTSON, JOE BROWN,  
 XOCHI CAMARGO, ARLENE BAUBY,  
 26 and DOES 1-20, in their individual  
 capacities,**

27 Defendants.  
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ED CV 09-00688 SGL SSx

**NOTICE OF MOTION AND  
MOTION TO DISMISS FIRST  
AMENDED COMPLAINT**

1 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

2 Please take notice that on July 13, 2009, at 10:00 a.m., in Department 1 of the  
3 United States Courthouse located at 3470 Twelfth Street, Riverside, California,  
4 Defendant Kristy Underwood will move the Court for an order pursuant to Federal  
5 Rules of Civil Procedure, Rule 12(b)(6) dismissing her from the Third, Fourth and  
6 Fifth causes of action as well as the prayers for injunctive and declaratory relief in  
7 the First Amended Complaint on the following grounds:

8 1. Plaintiffs lack standing to seek injunctive relief because they do not allege  
9 sufficient facts to establish an imminent injury.

10 2. Third Cause of Action: Plaintiffs have failed to allege a violation of their  
11 right to equal protection under the California Constitution.

12 3. Fourth Cause of Action: Plaintiffs have failed to allege a violation of their  
13 right to freedom from unreasonable searches under the California Constitution.

14 4. Fifth Cause of Action: Plaintiffs' claim for declaratory relief is not ripe.

15 5. Third and Fourth Causes: Plaintiffs have failed to allege facts to support  
16 claims under California Civil Code section 52.1.

17 The motion will be based on this Notice of Motion and Motion, the  
18 accompanying Memorandum of Points and Authorities, the record of this action,  
19 and such other matters as the Court deems appropriate.

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1 This motion is made following the conference of counsel pursuant to Central  
2 District Local Rule 7-3, which took place on June 2 and 3, 2009.

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4 Dated: June 11, 2009

Respectfully submitted,

5 EDMUND G. BROWN JR.  
6 Attorney General of California  
7 JAMES M. LEDAKIS  
8 Supervising Deputy Attorney  
9 General

10 /s/ DIANE DE KERVOR  
11 DIANE DE KERVOR  
12 Deputy Attorney General  
13 *Attorneys for Defendant Kristy*  
14 *Underwood, Executive Officer of the*  
15 *California Board of Barbering &*  
16 *Cosmetology*

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