

1 Michael G. Woods, # 58683
Timothy J. Buchanan, # 100409
2 McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP
3 P.O. Box 28912
5 River Park Place East
4 Fresno, CA 93720-1501
Telephone: (559) 433-1300
5 Facsimile: (559) 433-2300

(SPACE BELOW FOR FILING STAMP ONLY)

6 Attorneys for Defendants COUNTY OF FRESNO and
FRESNO COUNTY IN-HOME SUPPORTIVE
7 SERVICES PUBLIC AUTHORITY

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO/OAKLAND DIVISION

12 MIKESHA MARTINEZ, et al.,

Case No. C 09-02306 CW

13 Plaintiffs,

**DEFENDANTS', COUNTY OF FRESNO
AND FRESNO COUNTY IN-HOME
SUPPORTIVE SERVICES, NOTICE OF
MOTION AND MOTION TO SEVER
[FRCP, RULE 21]**

14 v.

Date: August 6, 2009
Time: 2:00 p.m.
Courtroom: 2 (Oakland Division)
Honorable Claudia Wilken

15 ARNOLD SCHWARZENEGGER,
Governor of the State of California; JOHN
16 A. WAGNER, Director of the California
Department of Social Services; DAVID
17 MAXWELL-JOLLY, Director of the
California Department of Health Care
18 Services; JOHN CHIANG, California State
Controller; FRESNO COUNTY; and
19 FRESNO COUNTY IN-HOME
SUPPORTIVE SERVICES PUBLIC
20 AUTHORITY,

21 Defendants.

23 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

24 PLEASE TAKE NOTICE that on August 6, 2009 2009, at 2:00 p.m., or as soon thereafter
25 as the matter may be heard in Courtroom 2 of the above-entitled court, located at 1301 Clay
26 Street, Oakland, CA 94612, Defendants COUNTY OF FRESNO and FRESNO COUNTY IN-
27 HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY will and hereby do move the Court
28 for an Order granting Defendants' Motion to Sever as to Plaintiffs' Third and Fourth Claims.

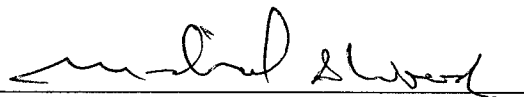
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This motion is made pursuant to Federal Rules of Civil Procedure, Rule 21, on the ground that Defendants are non-diverse dispensable parties and severance will promote fairness to all parties, by avoiding undue prejudice, delay and expense.

This motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the supporting Declaration of Kevin Briggs, the Request for Judicial Notice and exhibits thereto, any Reply papers filed in this motion, the complete files and records in this action, and such oral and documentary evidence as may be presented at the hearing on this motion.

Dated: June 18, 2009

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

By: 

Michael G. Woods
Timothy J. Buchanan
Attorneys for Defendants
COUNTY OF FRESNO and FRESNO
COUNTY IN-HOME SUPPORTIVE
SERVICES PUBLIC AUTHORITY

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