

1 W. JAMES YOUNG, Esq.
2 c/o National Right to Work Legal
3 Defense Foundation, Inc.
4 8001 Braddock Road, Suite 600
5 Springfield, Virginia 22160
6 (703) 321-8510

7 STEVEN R. BURLINGHAM, Esq.
8 California Bar No. 88544
9 Gary, Till & Burlingham
10 5330 Madison Avenue, Suite F
11 Sacramento, California 95841
12 (916) 332-8122
13 Facsimile — (916) 332-8153

14 ATTORNEYS FOR PLAINTIFFS AND
15 THE CLASS THEY REPRESENT

16 UNITED STATES DISTRICT COURT
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 DIANNE KNOX; *et al.*, ON BEHALF OF THEMSELVES
19 AND THE CLASS THEY REPRESENT,

20 Plaintiffs,

21 v.

22 STEVE WESTLY, Controller, State of California; *et*
23 *al.*,

24 Defendants.

CASE No. 2:05-cv-02198 MCE KJM

**CORRECTED NOTICE OF MOTION;
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND/OR
SUMMARY ADJUDICATION**

HEARING DATE: Friday, 17 August
2007

TIME: 9:00 a.m.

**COURTROOM OF JUDGE ENGLAND,
COURTROOM 3, 15TH FLOOR**

25 PLEASE TAKE NOTICE that on Friday, 17 August 2007, at 9:00 a.m., or as soon thereafter as
26 counsel may be heard in Courtroom 3, 15th Floor of the United States District Court for the Eastern
27 District of California, located at 501 I Street, Sacramento, California, 95814, Plaintiffs Dianne Knox,
28 *et al.*, on behalf of themselves and the class they represent (“the Employees”), by their undersigned
counsel, will move the Court, pursuant to Rule 56(a), FED.R.CIV.P., and CIV.L.R. 56-260(a),
E.D.CAL., for the entry of Summary Judgment in favor of the Employees and against Defendants, and
all of them, based upon the grounds that there is no genuine issue as to any material fact. See *Celotex*
Corp. v. Catrett, 477 U.S. 317, 322 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-248

1 (1986). Please note the corrected date for hearing on Plaintiffs' Motion (Clerk's Docket Nos. 98, 99,
2 100, and 101).

3 DATED: 17 July 2007

4 Respectfully submitted,

5 STEVEN R. BURLINGHAM, Esq.
6 California Bar No. 88544
7 Gary, Till & Burlingham
8 5330 Madison Avenue, Suite F
9 Sacramento, California 95841
10 (916) 332-8122
11 Facsimile — (916) 332-8153

12 /s/ W. James Young

13 W. JAMES YOUNG, Esq.
14 c/o National Right to Work Legal
15 Defense Foundation, Inc.
16 8001 Braddock Road, Suite 600
17 Springfield, Virginia 22160
18 (703) 321-8510

19 ATTORNEYS FOR PLAINTIFFS AND THE CLASS THEY
20 REPRESENT

21 H:\WP\California Cases\Knox.CA\Summary Judgment\Corrected Notice.wpd

22 Tuesday, 17 July 2007, 10:54:15 AM

CERTIFICATE OF SERVICE

I, W. James Young, counsel for Plaintiffs, hereby certify that I electronically filed with the Clerk of Court the foregoing **Corrected Notice Of Motion, Plaintiffs' Motion For Summary Judgment And/Or For Summary Adjudication**, using the CM/ECF system which will send notification of such filing to all counsel of record, this 17th day of July, 2007.

/s/ W. James Young

W. JAMES YOUNG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28