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10 Attorneys for Defendants CITY OF SAN DIEGO
11 and SAN DIEGO CHIEF OF POLICE DAVID NISLEIT

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 JAMES FAHR; DESIREE BERGMAN;
15 COLIN RUDOLPH; SAN DIEGO
16 COUNTY GUN OWNERS PAC; AND
17 FIREARMS POLICY COALITION,
18 INC.,

19 Plaintiffs,

20 v.

21 CITY OF SAN DIEGO, CALIFORNIA
22 AND DAVID NISLEIT, IN HIS
23 OFFICIAL CAPACITY AS CHIEF OF
24 POLICE OF SAN DIEGO CITY,
25 CALIFORNIA,

26 Defendants.

Case No. 21cv1676 BAS (BGS)

**DEFENDANTS CITY OF SAN
DIEGO AND SAN DIEGO
CHIEF OF POLICE DAVID
NISLEIT'S NOTICE OF
MOTION AND MOTION TO
DISMISS PLAINTIFFS'
COMPLAINT FOR FAILURE
TO STATE A CLAIM UPON
WHICH RELIEF CAN BE
GRANTED
[FED. R. CIV. P. 12(b)(6)]**

Date: January 3, 2022
Judge: Hon. Cynthia Bashant
Court Room: 4B
Trial: Not Set

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on **January 3, 2022**, or as soon as practicable thereafter, this matter may be heard in Courtroom 4B, the Honorable Cynthia Bashant, judge presiding in the above-entitled court, United States District Court for the Southern District of California, located at 221 West Broadway, San Diego, California 92101, Defendants City of San Diego and San Diego Chief of Police Davis Nisleit, by and through their attorney of record, Matthew Zollman of the Office of the City Attorney, will, and hereby do, move this Court for an order

1 dismissing Plaintiffs' entire Complaint under Federal Rule of Civil Procedure
2 12(b)(6).

3 This Motion will be made on the grounds that Plaintiffs have failed to state a
4 claim upon which relief can be granted under Federal Rule of Civil Procedure
5 12(b)(6).

6 This motion is based on this notice, this Court's file, the accompanying
7 Memorandum of Points and Authorities, any Declarations filed herewith, any reply
8 filed by Defendants, and further oral and documentary evidence and matters as may
9 be presented to the Court upon the hearing of said motion.

10 This motion is made following the conference of counsel that took place on
11 October 19, 2021.

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13 Dated: November 5, 2021

MARA W. ELLIOTT, City Attorney

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By /s/ Matthew L. Zollman

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Matthew L. Zollman
Deputy City Attorney

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Attorneys for Defendants CITY OF
SAN DIEGO and SAN DIEGO
CHIEF OF POLICE DAVID
NISLEIT

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