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8 Attorneys for Defendant, SUMMER STEPHAN, sued in her official capacity as District  
9 Attorney of San Diego County

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12 B&L PRODUCTIONS, INC., d/b/a  
13 CROSSROADS OF THE WEST, et al.,  
14 Plaintiffs,  
15 v.  
16 GAVIN NEWSOM, in his official capacity  
17 as Governor of the State of California and  
18 in his personal capacity, et al.,  
19 Defendants.

No. 3:21-cv-01718-AJB-DDL

**DEFENDANT SUMMER STEPHAN'S  
NOTICE OF JOINDER AND JOINDER  
IN STATE DEFENDANTS' MOTION  
TO DISMISS PLAINTIFFS' FIRST  
AMENDED COMPLAINT [ECF NO. 36]  
[JOINDER IN ECF NOS. 42 THROUGH  
42-3]**

**[CivLR 7.1(j)]**

2:00 p.m.  
Courtroom: 4A  
Judge: Hon. Anthony J. Battaglia  
Magistrate Judge: Hon. David D. Leshner

Action Filed: October 4, 2021  
Trial Date: Not Set

[Demand for Jury Trial]

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1 TO THE COURT, ALL PARTIES, AND COUNSEL OF RECORD HEREIN:

2 PLEASE TAKE NOTICE THAT in response to plaintiffs’ First Amended  
3 Complaint (“FAC”) [ECF No. 36] filed in this action, and pursuant to CivLR 7.1(j),  
4 defendant, SUMMER STEPHAN, sued in her official capacity as District Attorney of  
5 San Diego County (“District Attorney Stephan”), hereby joins in the motion to dismiss  
6 the FAC filed jointly by defendants Governor GAVIN NEWSOM, Attorney General  
7 ROB BONTA, Secretary KAREN ROSS, and 22nd DISTRICT AGRICULTURAL  
8 ASSOCIATION (collectively referred to herein as “State Defendants”). [State  
9 Defendants’ Motion to Dismiss the FAC, ECF Nos. 42 through 42-3.]

10 Plaintiffs, in their FAC, challenge the constitutionality of a State law (California  
11 Food and Agricultural Code § 4158 (enacted in 2019 as California Assembly Bill 893)),  
12 and sue District Attorney Stephan in her official capacity only, with Plaintiffs’ request for  
13 relief against District Attorney Stephan limited to declaratory and injunctive relief. [See  
14 FAC, ECF No. 36, at ¶ 26.] Plaintiffs’ claims against the District Attorney Stephan are  
15 based on Plaintiffs’ allegations that the District Attorney Stephan purportedly is among  
16 the government officials tasked by State law with enforcing Food and Agricultural Code  
17 § 4158 by prosecuting violations of the statute. [See FAC, ECF No. 36, at ¶¶ 26, 186,  
18 199, 211, 223, 232, 241, and 247.] Accordingly, Plaintiffs contend that declaratory and/or  
19 injunctive relief against District Attorney Stephan (among other defendants) is necessary  
20 to afford Plaintiffs complete relief if they prevail in their challenge to the constitutionality  
21 of the subject State law.

22 Because the State Defendants have filed a Motion to Dismiss the FAC under  
23 Federal Rule of Civil Procedure 12(b)(6) on the grounds that the FAC, and each cause of  
24 action therein (including the causes of action brought against District Attorney Stephan),  
25 fails to state a claim upon which relief can be granted, and because Plaintiffs’ claims  
26 against District Attorney Stephan are based solely on her purported authority under State  
27 law to enforce the challenged statute (rather than any particular action taken by District  
28 Attorney Stephan), District Attorney Stephan hereby joins in the State Defendants’

1 Motion to Dismiss the FAC, together with the supporting facts, arguments, documents,  
2 and evidence filed therewith.<sup>1</sup>

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4 DATED: October 31, 2022            CLAUDIA SILVA, COUNTY COUNSEL

5  
6 By s/Timothy M. White  
7            TIMOTHY M. WHITE, Senior Deputy  
8            Attorneys for Defendant SUMMER STEPHAN, sued in  
9            her official capacity as District Attorney of San Diego  
10            County  
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21            <sup>1</sup> District Attorney Stephan is included as a defendant only on Plaintiffs’ federal  
22 constitutional claims brought under 42 U.S.C. § 1983, and is not included as a defendant  
23 on Plaintiffs’ state-law claims. [*Compare* FAC, ECF No. 36, at pp. 46 through 58, ¶¶ 182  
24 through 252 (First through Seventh causes of action, alleging violations of the First,  
25 Second, and Fourteenth Amendments to the United States Constitution, and brought  
26 under § 1983), *with* FAC, ECF No. 36, at pp. 58 through 62, ¶¶ 253 through 280 (Eighth  
27 through Tenth causes of action sounding in State tort law).] Accordingly, with respect to  
28 the “Argument” section of the State Defendants’ Motion to Dismiss, District Attorney  
Stephan in particular joins in the legal arguments applicable to Plaintiffs’ § 1983 claims.