

1 NANCY R. THOMAS (CA SBN 236185)
NThomas@mofo.com
2 LAURA LIVELY BABASHOFF (CA SBN 323922)
LLively@mofo.com
3 MATTHEW J. WYATT (CA SBN 343074)
MWyatt@mofo.com
4 MORRISON & FOERSTER ^{LLP}
707 Wilshire Boulevard, Suite 6000
5 Los Angeles, California 90017-3543
Telephone: 213.892.5200
6 Facsimile: 213.892.5454

7 Attorneys for Defendant
STATE OF CALIFORNIA
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11
12 Deputy District Attorney MICHELE
HANISEE, an individual,

13 Plaintiff,

14 v.

15 STATE OF CALIFORNIA; and DOES 1
16 through 25, inclusive,

17 Defendants.
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Case No. 23STCV07718

(Assigned for all Purposes to the
Honorable Upinder S. Kalra)

**DEFENDANT'S NOTICE OF MOTION
AND MOTION TO STRIKE
ALLEGATIONS FROM PLAINTIFF'S
FIRST AMENDED COMPLAINT**

Reservation No. 631026040870

Date: October 11, 2023

Time: 9:00 a.m.

Dept.: 51

Date Action Filed: April 7, 2023

Trial Date: None

1 **TO PLAINTIFF AND HER ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on October 11, 2023, at 9:00 a.m. or as soon thereafter as
3 the matter may be heard in Department 51 of the above-entitled Court, located at 111 North Hill
4 Street, Los Angeles, CA 90012, Defendant State of California will and hereby moves for an order
5 striking the following allegations in the First Amended Complaint (“FAC”) filed by Plaintiff
6 Michele Hanisee in the above-captioned action:

- 7 1. Prayer for Relief item 2, “exemplary damages against DOES where allowed under
8 statute.” (Page 15, line 17.)
- 9 2. Prayer for Relief item 3, “ preliminary and permanent injunctive relief to prevent the
10 further dissemination or publication of Plaintiff’s home address, date of birth, or CII
11 Number in the possession of Defendants by any of them, whether on the State’s
12 firearms data web portal or any other publicly accessible database maintained by the
13 State or any of its departments or subdivisions.” (Page 15, lines 18-22.)
- 14 3. Prayer for Relief item 4, “a declaration by the Court under Code of Civil Procedure
15 section 1060 as to the rights, responsibilities, and obligations of Plaintiff and
16 Defendants to one another, and each of them, including, specifically, as to the
17 obligation of Defendants of the further steps they must take to safeguard and refrain
18 from publicly disclosing information obtained or kept by Defendants as a result of
19 Plaintiff’s application for or holding of a CCW permit, including specifically, the
20 home address, date of birth, and CII information contained therein, and for any other
21 declarations and orders necessary to effect a remedy sought or available under the
22 causes of action pled hereinabove.” (Page 15, line 23 – Page 16, line 2.)

23 Defendant’s motion is made pursuant to Code of Civil Procedure section 431.10,
24 subdivisions (b) and (c), section 435, and section 436, subdivision (a) on the grounds that the
25 allegations set forth above are irrelevant, false, and improper. Specifically, the requested
26 declaratory relief, injunctive relief, and exemplary damages are not supported by the allegations
27 in the FAC, and in fact, the allegations in the FAC indicate Plaintiff may not seek any of these
28 types of relief.


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Defendant makes this motion after sending two emails to Plaintiff’s counsel regarding the basis for the motion. Defendant’s counsel requested that Plaintiff’s counsel meet and confer by telephone as required by Code of Civil Procedure section 435.5 and provided Defendant’s arguments and case authority for the planned motion to strike. Plaintiff’s counsel responded that Plaintiff was unwilling to further amend the allegations in the FAC and that a further meet-and-confer call on the matter was not necessary given the parties’ previous telephone conversation and email exchanges. (See Decl. of Laura Lively Babashoff filed concurrently.)

In support of its motion, Defendant relies upon this Notice of Motion and Motion to Strike, on the Memorandum of Points and Authorities filed concurrently, and on all the pleadings and papers on file herein.

Dated: July 18, 2023

MORRISON & FOERSTER LLP

By: 
Nancy R. Thomas

Attorneys for Defendant
STATE OF CALIFORNIA

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PROOF OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 707 Wilshire Boulevard, Suite 6000, Los Angeles, California 90017-3543. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on July 18, 2023, I served a copy of:

DEFENDANT’S NOTICE OF MOTION AND MOTION TO STRIKE ALLEGATIONS FROM PLAINTIFF’S FIRST AMENDED COMPLAINT

BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6; CRC 2.251] by electronically mailing a true and correct copy through Morrison & Foerster LLP's electronic mail system from NCaruthersDodson@mof.com to the email address(es) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure section 1010.6 and CRC Rule 2.251.

BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6; CRC 2.251] by electronically mailing a true and correct copy through **FIRST LEGAL'S** electronic mail system to the email address(es) set forth below, or as stated on the attached service list per agreement in accordance with Code of Civil Procedure section 1010.6 and CRC Rule 2.251.

C.D. Michel
Joshua Robert Dale
Konstadinos T. Moros
Alexander A. Frank
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Boulevard, Suite 200
Long Beach, California 90802
Telephone: 562.216.4444
Facsimile: 562.216.4445
Email: jdale@michellawyers.com

Attorneys for Plaintiff
MICHELE HANISEE

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at Los Angeles, California, this 18th day of July, 2023.

Nieka Caruthers-Dodson

(typed)

N. Caruthers-Dodson

(signature)