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File by Fax

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BY

Rita L. Gomez

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8 SUPERIOR COURT OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SAN JOAQUIN

10 JOSE A ARIAS, Individually, and acting in the
11 interest of other current and former employees,

12 Plaintiff,

13 v.

14 ANGELO DAIRY, a California business
15 organization, form unknown, LUIS M.
16 ANGELO, MARIA D. ANGELO and JOE
17 ANGELO, individuals, LUIS M. ANGELO,
18 MARIA D. ANGELO and JOE ANGELO dba
19 ANGELO DAIRY; and DOES 1 through 20,
20 inclusive

21 Defendants.

Case No. CV028612

DEFENDANTS' NOTICE OF
MOTION AND MOTION TO STRIKE
CAUSES OF ACTION
(CCP §435; §436(b))

(THIS CASE HAS BEEN ASSIGNED TO JUDGE
CARTER P. HOLLY IN DEPARTMENT 42 FOR ALL
PURPOSES INCLUDING TRIAL)

Date: July 21, 2006
Time: 9:00 a.m.
Courtroom: Dept. 42
Judge: Carter P. Holly

22 PLEASE TAKE NOTICE that Defendants Luis M. Angelo, Maria D. Angelo and
23 Joe Angelo, individually, and on behalf of Angelo Dairy (hereinafter "Defendants"), through their
24 attorneys of record herein, will on July 21, 2006 at 9:00 a.m., in Department No. 42 of this court,
25 located at 222 E. Weber in Stockton, California, before Hon. Carter P. Holly, move for an order
26 under CCP §436(b) to strike the Seventh through Eleventh Causes of Action in the First Amended
27 Complaint of Plaintiff Jose A. Arias (hereinafter "Plaintiff"). The grounds for this motion is that
28 the First Amended Complaint fails to comply with the requirements of California Rule of Court
1851. This action is a class action under CCP §382, but Plaintiff has failed to comply with the
pleading requirements for such actions under CRC 1851.

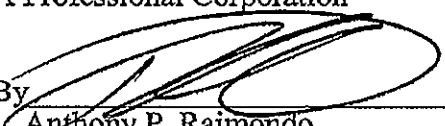
This motion is based on this notice, the attached Memorandum of Points and

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Authorities, all exhibits thereto, on all papers and records filed in this action, and on any evidence received at the hearing.

Dated: June 16, 2006

BARSAMIAN, SAQUI & MOODY
A Professional Corporation

By 
Anthony P. Raimondo
Attorneys for Defendants

PROOF OF SERVICE BY MAIL
(1013a, 2915.5 C.C.P.)

I declare that I am employed in the County of Fresno, California. At the time of transmission I was at least eighteen years of age and not a party to this legal proceeding. My business address is 1141 West Shaw Avenue, Suite 104, Fresno, California 93711.

On June 16, 2006, I served the attached DEFENDANTS NOTICE OF MOTION AND MOTION TO STRIKE, MEMORANDUM OF POINTS AND AUTHORITES, AND PROPOSED ORDER on the interested party in said action by placing a true copy thereof in the office outgoing mail, enclosed in a sealed envelope addressed as follows:

Blanca A. Banuelos, Esq.
CALIFORNIA RURAL LEGAL ASSISTANCE, INC.
20 N. Sutter Street, Suite 203
Stockton, CA 95202

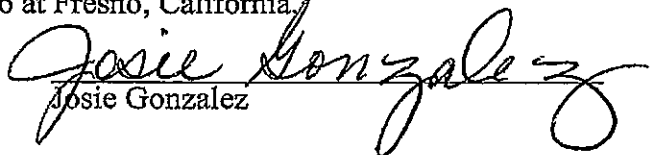
Michael Meuter, Esq.
CALIFORNIA RURAL LEGAL ASSISTANCE, INC.
3 Williams Road
Salinas, CA 93905

I am readily familiar with the regular mail collection and processing practices of said business, and in the ordinary course of business the mail is deposited with the United States Postal Service that same day, with postage thereon fully prepaid, at Fresno, California.

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

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 16, 2006 at Fresno, California.


Josie Gonzalez