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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
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15 **Culture of Life Family Services,**

16 Plaintiff,

17 v.

18 **Attorney General Bonta,**

19 Defendant.
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Case No. 3:24-cv-1338-GPC-KSC

**DEFENDANT'S NOTICE OF
MOTION AND MOTION TO
DISMISS OR ALTERNATIVELY
STAY PLAINTIFF'S COMPLAINT**

Date: November 8, 2024
Time: 1:30 p.m.
Courtroom: 2D
Judge: Hon. Gonzalo P. Curiel
Trial Date: Not set
Action Filed: July 30, 2024

**TO ALL PARTIES, THEIR COUNSEL OF RECORD, AND THE
CLERK OF THE COURT:**

PLEASE TAKE NOTICE THAT on November 8, 2024, at 1:30 p.m., or as soon thereafter as the matter may be heard before the Honorable Judge Gonzalo P. Curiel in Courtroom 2D of the United States District Court for the Southern District of California, located at 333 West Broadway, Suite 1510, San Diego, California 92101, Defendant Rob Bonta, in his official capacity as Attorney General of the State of California, will and hereby does now move the Court to dismiss or alternatively stay the action pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure.

This motion is made on the grounds that the Court lacks jurisdiction over the subject matter of the action against the Defendant and that the complaint, including the claims for relief asserted there in, fails to state a cause of action upon which relief may be granted because: (1) *Younger* abstention applies and mandates dismissal; (2) *Colorado River* abstention applies and a stay of the case is appropriate; (3) abstention under the Declaratory Judgment Act applies and dismissal of the case is appropriate; (4) Plaintiff lacks standing and dismissal without leave is appropriate; and (5) Plaintiff has failed to state a claim upon which relief may be granted and dismissal without leave to amend is appropriate. The motion will be and is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, a Request for Judicial Notice, the pleadings and papers filed herein, and the argument of counsel at the time of the hearing.

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1 Dated: August 21, 2024

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 NELI N. PALMA
5 Senior Assistant Attorney General
6 KATHLEEN BOERGERS
7 KARLI EISENBERG
8 Supervising Deputy Attorneys General

9 /s/ Hayley Penan
10 HAYLEY PENAN
11 ERICA CONNOLLY
12 Deputy Attorneys General
13 *Attorneys for Defendant*
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CERTIFICATE OF SERVICE

Case Name: **Cultures of Life Family
Services v. Attorney General
Bonta**

No. **3:24-cv-1338-GPC-KSC**

I hereby certify that on August 21, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANT'S NOTICE OF MOTION AND MOTION TO DISMISS OR
ALTERNATIVELY STAY PLAINTIFF'S COMPLAINT**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on August 21, 2024, at Los Angeles, California.

Adriana Zagal
Declarant

/s/ Adriana Zagal
Signature

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