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SAN DIEGO COUNTY PROBATION
DEPARTMENT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DARRYL DUNSMORE, ANDREE
ANDRADE, ERNEST ARCHULETA,
JAMES CLARK, ANTHONY
EDWARDS, LISA LANDERS,
REANNA LEVY, JOSUE LOPEZ,
CHRISTOPHER NELSON,
CHRISTOPHER NORWOOD, JESSE
OLIVARES, GUSTAVO
SEPULVEDA, MICHAEL TAYLOR,
and LAURA ZOERNER, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

SAN DIEGO COUNTY SHERIFF'S
DEPARTMENT, COUNTY OF SAN
DIEGO, SAN DIEGO COUNTY
PROBATION DEPARTMENT, and
DOES 1 to 20, inclusive,

Defendants.

Case No. 3:20-cv-00406-AJB-DDL

**DEFENDANTS' NOTICE OF
MOTION FOR PARTIAL
SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, FOR AN
ORDER TREATING SPECIFIED
FACTS AS ESTABLISHED**

[Fed. R. Civ. P. 56]

*[Memorandum of Points and
Authorities; Appendix of Evidence; and
[Proposed] Order filed concurrently
herewith]*

Hearing

Date: March 6, 2025
Time: 2:00 p.m.
Ctrm: 4A

Judge: Anthony J. Battaglia

1 TO PLAINTIFFS AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on March 6, 2025, at 2:00 p.m., or as soon as
3 this matter may be heard in the above-captioned Court, before the Honorable
4 Anthony J. Battaglia, United States District Judge, in Courtroom 4A, United States
5 District Court, located at 221 West Broadway, San Diego, CA 92101, Defendants
6 COUNTY OF SAN DIEGO, SAN DIEGO COUNTY SHERIFF'S DEPARTMENT
7 and SAN DIEGO COUNTY PROBATION DEPARTMENT ("Defendants") motion
8 for partial summary judgment or, in the alternative, for an order treating specified
9 facts as established, under Federal Rule of Civil Procedure 56.

10 This motion is made on the grounds that the undisputed facts in this lawsuit
11 establish that with regard to the convicted and pre-trial incarcerated persons being
12 housed in its jail facilities, Defendants were not deliberately indifferent under the
13 Eighth Amendment and the Fourteenth Amendment with respect to the provision of
14 medical care (First Cause of Action) and dental care (Sixth Cause of Action) to
15 these individuals; that Defendants did not provide these incarcerated persons with
16 inadequate conditions of confinement including sanitation conditions (Fourth Cause
17 of Action), and deny them safety and security (Fifth Cause of Action); that
18 Defendants did not deny the incarcerated persons access to courts and counsel under
19 the Sixth Amendment and the Fourteenth Amendment (Eight Cause of Action); and
20 that Black and Latinx persons are not being disproportionately incarcerated in the
21 jail facilities in violation of California Government Code §11135(a) (Ninth Cause of
22 Action).¹

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26 _____
27 ¹ Defendants are not moving for relief as to the Second Claim regarding mental
28 health care. Further, the Seventh Cause of Action was dismissed per this Court's
ruling on Defendants' Motion to Dismiss. Also, Third Cause of Action is settled.

1 This motion is based on this Notice of Motion, the Memorandum of Points
2 and Authorities, the Appendix of Evidence, together with exhibits and declarations
3 thereto, the pleadings and file in this action, and on such further oral or documentary
4 evidence as may be presented at or before the hearing on this matter, if any.

5 The parties met and conferred about the issues being raised in this motion for
6 partial summary judgment prior to filing the motion. (*See*, Coleman Decl.)

7
8 Dated: December 16, 2024

BURKE, WILLIAMS & SORENSEN, LLP

9
10
11 By: /s/ Susan E. Coleman

12 Susan E. Coleman
13 Elizabeth M. Pappy
14 Deann Rivard
15 Martin Kosla

16 Attorneys for Defendants
17 COUNTY OF SAN DIEGO, SAN
18 DIEGO COUNTY SHERIFF'S
19 DEPARTMENT and SAN DIEGO
20 COUNTY PROBATION
21 DEPARTMENT
22
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PROOF OF SERVICE

Dunsmore, et al v. San Diego County Sheriff's Department, et al.
USDC Southern District Case No. 3:20-cv-00406-AJB-DDL

STATE OF CALIFORNIA, COUNTY OF VENTURA

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Ventura, State of California. My business address is 2310 East Ponderosa Drive, Suite 25, Camarillo, CA 93010-4747.

On December 16, 2024, I served true copies of the following document(s) described as **DEFENDANTS' NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, FOR AN ORDER TREATING SPECIFIED FACTS AS ESTABLISHED** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address dwetters@bwslaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and 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 December 16, 2024, at Camarillo, California.

/s/ Kathleen van Daalen Wetters
Kathleen van Daalen Wetters

SERVICE LIST

Dunsmore, et al v. San Diego County Sheriff's Department, et al.
USDC Southern District Case No. 3:20-cv-00406-AJB-DDL

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