

1 ROB BONTA, State Bar No. 202668  
Attorney General of California  
2 PREETI K. BAJWA, State Bar No. 232484  
Supervising Deputy Attorney General  
3 ANTHONY N. CORSO, State Bar No. 280618  
COLIN A. SHAFF, State Bar No. 300301  
4 Deputy Attorney General  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-4429  
6 Fax: (415) 703-5843  
E-mail: Anthony.Corso@doj.ca.gov  
7 *Attorneys for Defendants*  
*CDCR, K. Allison, M. Houston, and M. Pallares*

8  
9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
11 FRESNO DIVISION

12 **JANINE CHANDLER; KRYSTAL**  
13 **GONZALEZ; TOMIEKIA JOHNSON;**  
14 **NADIA ROMERO, individuals; and**  
15 **WOMAN II WOMAN, a California non-**  
**profit corporation,**

16 Plaintiff,

17 v.

18 **CALIFORNIA DEPARTMENT OF**  
19 **CORRECTIONS AND**  
20 **REHABILITATION; KATHLEEN**  
21 **ALLISON, Secretary of the California**  
22 **Department of Corrections and**  
23 **Rehabilitation, in her official capacity;**  
24 **MICHAEL PALLARES, Warden, in his**  
**official capacity; MONA D. HOUSTON,**  
**Warden, in her official capacity; and DOES**  
**1-10, inclusive,**

Defendants.

1:21-cv-01657-JLT-HBK

**NOTICE OF MOTION AND MOTION  
TO DISMISS COMPLAINT PURSUANT  
TO FEDERAL RULES OF CIVIL  
PROCEDURE 12(B)(1) AND 12(B)(6)**

Judge: The Honorable Jennifer L.  
Thurston  
Date: May 19, 2022 at 9:00 a.m.  
Courtroom: 4, 7<sup>th</sup> Floor  
Trial Date: N/A  
Action Filed: 11/17/2021

25 **TO PLAINTIFFS CHANDLER, GONZALEZ, JOHNSON, ROMERO, AND**  
26 **WOMAN II WOMAN:**

27 **PLEASE TAKE NOTICE** that on May 19, 2022 at 9:00 a.m. or as soon thereafter as the  
28

1 matter can be heard in Courtroom 4, 7<sup>th</sup> Floor, 2500 Tulare Street, Fresno, California 93721,  
2 Defendants will move, under Federal Rules of Civil Procedure 12(b)(1) and (6), for an order  
3 dismissing Plaintiffs' Complaint with prejudice.

4 Defendants base this motion on this notice of motion and motion, the attached  
5 memorandum of points and authorities, the request for judicial notice, the declaration of J.  
6 Thissen, the pleadings, records, and files in this action, and any other matters that may properly  
7 come before this Court.

8 The parties met and conferred regarding the substance of this motion before its filing. On  
9 February 10, 2022 the parties discussed the matter and Defendants requested Plaintiffs file an  
10 amended complaint. Defendants restated this request by letter to Plaintiffs on February 14, 2022.  
11 Because no amended complaint has been filed, efforts at resolving issues with the complaint have  
12 exhausted and Defendants now move to dismiss the complaint with prejudice.

13 Dated: April 11, 2022

Respectfully submitted,

14  
15 ROB BONTA  
16 Attorney General of California  
17 PREETI K. BAJWA  
18 Supervising Deputy Attorney General

19 /s/ Anthony Corso  
20 ANTHONY N. CORSO  
21 Deputy Attorney General  
22 *Attorneys for Defendants*  
23 *CDCR, K. Allison, M. Houston, and M.*  
24 *Pallares*

21 SA2021402445  
22 43169489.docx

## CERTIFICATE OF SERVICE

Case Name: Chandler et al. v. CDCR et al. No. 1:21-cv-01657-NONE-HBK

I hereby certify that on April 11, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **NOTICE OF MOTION AND MOTION TO DISMISS COMPLAINT PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(B)(1) AND 12(B)(6)**
- **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS**
- **REQUEST FOR JUDICIAL NOTICE OF MATTERS AND RECORDS IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS (with Exhibits A-S)**
- **DECLARATION OF J. THISSEN IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS (with Exhibits A-K)**
- **DEFENDANTS' MOTION TO FILE REDACTED EXHIBITS TO THISSEN DECLARATION AND IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

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 April 11, 2022, at San Francisco, California.

H. Su  
Declarant

/s/ H. Su  
Signature