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(SPACE BELOW FOR FILING STAMP ONLY)

5 Attorneys for Defendants  
6 TRANSCOR AMERICA, LLC

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10  
11 KEVIN M. SCHILLING, on behalf of  
himself and all those similarly situated,

Case No. 3:08-cv-00941 JL

12 Plaintiff,

**NOTICE OF MOTION AND MOTION TO  
DISMISS PLAINTIFF'S CLASS ACTION  
COMPLAINT AND FOR A MORE  
DEFINITE STATEMENT**

13 v.

14 TRANSCOR AMERICA, LLC, SGT.  
15 JOHN SMITH, OFFICER BLANDEN, and  
DOES 1 through 100,

Date: April 16, 2008  
Time: 9:30 a.m.  
Courtroom: F

16 Defendants.  
17

18 TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

19 PLEASE TAKE NOTICE that Defendant TRANSCOR AMERICA, LLC, will and hereby  
20 does move for an Order dismissing Plaintiff KEVIN M. SCHILLING'S "Class Action  
21 Complaint" pursuant to Rules 12(1) & (6) of the Federal Rules of Civil Procedure for lack of  
22 standing to assert class claims for violations of the Fourth and Eighth Amendment, for lack of  
23 standing to seek declaratory and/or injunctive relief, and for failure to state a legally cognizable  
24 claim for relief under California's Unruh Civil Rights Act. Defendant additionally moves for an  
25 Order requiring a more definite statement as to the basis for Plaintiff's state law claims.

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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is McCormick, Barstow, Sheppard, Wayte & Carruth LLP, 5 River Park Place East, Fresno, California 93720-1501. On March 10, 2008, I served the within documents:

**NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S CLASS ACTION COMPLAINT AND FOR A MORE DEFINITE STATEMENT**

- BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- BY PERSONAL DELIVERY:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- BY MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Fresno, California addressed as set forth below.
- BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- BY ELECTRONIC SUBMISSION:** per court order, submitted electronically by Verilaw to be posted to the website and notice given to all parties that the document has been served.

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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

3 Executed on March 10, 2008, at Fresno, California.

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5 /s/ Anne E. Jennings  
6 Anne E. Jennings  
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