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10

11 **IN THE UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**
13

14 EDWARD PERUTA,) CASE NO. 09-CV-2371 IEG (BLM)
15 Plaintiff,)
16 v.) **NOTICE OF MOTION AND**
17 COUNTY OF SAN DIEGO,) **MOTION FOR LEAVE TO AMEND**
WILLIAM D. GORE,) **COMPLAINT; EXHIBIT “A”**
18 INDIVIDUALLY AND IN HIS) **(PROPOSED FIRST AMENDED**
CAPACITY AS SHERIFF,) **COMPLAINT)**
19 Defendants.)
20 Date: June 1, 2010
Time: 10:30 a.m.
Courtroom: 1; Fourth Floor
Hon. Irma E. Gonzalez

21 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

22 PLEASE TAKE NOTICE THAT on June 21, 2010 at 10:30 a.m., Plaintiff
23 will, and by simultaneous submission herewith of the motion itself hereby does,
24 move this Court for an Order granting Plaintiff leave to amend the Complaint in
25 this matter and file a First Amended Complaint.

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This Motion is made pursuant to Federal Rule of Civil Procedure (“FRCP”) 15(a) and is based on this Notice, the supporting Memorandum of Points and Authorities, the Declaration of C.D. Michel, Exhibit “A,” the pleadings and papers on file herein, the record to date in this matter, and upon such other matters as may be presented to the Court at the time of the hearing.

DATED: April 22, 2010

MICHEL & ASSOCIATES, PC

By: /s /C.D. Michel
C.D. Michel
Attorney for Plaintiffs

DATED: April 22, 2010

PAUL NEUHARTH, JR., APC

By: /s /Paul Neuharth, Jr.
Paul Neuharth, Jr.
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EDWARD PERUTA,
Plaintiffs,

v.

COUNTY OF SAN DIEGO,
AND WILLIAM D. GORE,
INDIVIDUALLY AND IN HIS
CAPACITY AS SHERIFF,
Defendants.

CASE NO. 09-CV-2371 IEG (BLM)
CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

NOTICE OF MOTION AND MOTION FOR LEAVE TO AMEND COMPLAINT; EXHIBIT "A" (PROPOSED FIRST AMENDED COMPLAINT)

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

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I declare under penalty of perjury that the foregoing is true and correct.
Executed on April 22, 2010

/s/ C.D. Michel
C. D. Michel
Attorney for Plaintiffs