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9
10 Attorneys for Defendants

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

15 ELIZABETH WEISS,

16 Plaintiff,

17 vs.

18 STEPHEN PEREZ, in his official capacity as
19 President of San Jose State University; *et al.*,

20 Defendants.

Case No. 5:22-cv-00641-BLF

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS**

Filed Concurrently with Notice of Motion and
Motion to Dismiss; Declaration of Michael
Wilcox; Declaration of Charlotte Sunseri

Judge: Hon. Beth Labson Freeman

Date: June 2, 2022

Time: 9:00 a.m.

1 Upon consideration of the written submissions and arguments of counsel, and good cause
2 appearing,

3 IT IS HEREBY ORDERED THAT:

- 4 1) [Defendants' Rule 12(b)(7) motion is GRANTED without leave to amend]
5 2) [Defendants' Rule 12(b)(6) motion is GRANTED without leave to amend].

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7 DATED: _____, 2022

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Hon. Beth Labson Freeman
United States District Judge

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Motions

[5:22-cv-00641-BLF Weiss v. Perez et al](#)

ADRMOP

U.S. District Court

California Northern District

Notice of Electronic Filing

The following transaction was entered by Phillips, Bradley on 2/24/2022 at 1:22 PM PST and filed on 2/24/2022

Case Name: Weiss v. Perez et al

Case Number: [5:22-cv-00641-BLF](#)

Filer: Vincent J Del Casino
Roberto Gonzales
Walt Jacobs
Stephen Perez
Alisha Marie Ragland
Charlotte Sunseri

Document Number: [31](#)

Docket Text:

MOTION to Dismiss *Complaint* filed by Vincent J Del Casino, Roberto Gonzales, Walt Jacobs, Stephen Perez, Alisha Marie Ragland, Charlotte Sunseri. Motion Hearing set for 6/2/2022 09:00 AM in San Jose, Courtroom 3, 5th Floor before Judge Beth Labson Freeman. Responses due by 3/10/2022. Replies due by 3/17/2022. (Attachments: # (1) Proposed Order, # (2) Declaration Sunseri Decl, # (3) Exhibit A to Sunseri Decl., # (4) Exhibit B to Sunseri Decl., # (5) Exhibit C to Sunseri Decl., # (6) Exhibit D to Sunseri Decl., # (7) Exhibit E to Sunseri Decl., # (8) Declaration Wilcox Decl., # (9) Exhibit A to Wilcox Decl.)(Phillips, Bradley) (Filed on 2/24/2022)

5:22-cv-00641-BLF Notice has been electronically mailed to:

Bradley S. Phillips brad.phillips@mto.com, DKT-Filings@mto.com, mary.pantoja@mto.com, Melissa.Lee-Segovia@mto.com

Daniel Moshe Ortner DOrtner@pacificlegal.org, bsiebert@pacificlegal.org, IncomingLit@pacificlegal.org

Ethan Blevins ewb@pacificlegal.org

5:22-cv-00641-BLF Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\fakepath\Weiss v. Perez MTD (MTO 2.24.22)).pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-0]

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Document description:Proposed Order

Original filename:C:\fakepath\CSU Case No. 522-cv-00641 Proposed Order to MTD.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-1]
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Document description:Declaration Sunseri Decl

Original filename:C:\fakepath\1-Sunseri Declaration ISO Motion to Dismiss.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-2]
[5414ee045967ebf339191dcc2d402c4d630937ef18f4b884169b24fed68fa06e805a
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Document description:Exhibit A to Sunseri Decl.

Original filename:C:\fakepath\Exhibit A - Sunseri.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-3]
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Document description:Exhibit B to Sunseri Decl.

Original filename:C:\fakepath\Exhibit B - Preliminary Inventories List PDF Version (1).pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-4]
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Document description:Exhibit C to Sunseri Decl.

Original filename:C:\fakepath\Exhibit C - Total Consultations List.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-5]
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Document description:Exhibit D to Sunseri Decl.

Original filename:C:\fakepath\Exhibit D - Oct 9_ Muwekma OpEd.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-6]
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Document description:Exhibit E to Sunseri Decl.

Original filename:C:\fakepath\Exhibit E - Inventory Protocols_AMR adapted from LCP.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-7]
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Document description:Declaration Wilcox Decl.

Original filename:C:\fakepath\Wilcox Declaration ISO MTD.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-8]
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Document description:Exhibit A to Wilcox Decl.

Original filename:C:\fakepath\Ex. A - FINAL Wilcox Report.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-9]
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