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OCT 16 2000

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

12 Attorneys for Defendants  
13 **THE PACIFICA FOUNDATION, et al.**

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 THE PEOPLE OF THE STATE OF  
17 CALIFORNIA, ex rel. CAROL SPOONER,  
18 KURT GUERDRUM, ARTURO  
19 GRIFFITHS, AMBURN R. HAGUE,  
20 LEIGH HAUTER, PATRICIA HEFFLEY,  
21 BARBARA MacQUIDDY, RICK  
22 POTHOFF, CHARLES P.H. SCURICH,  
23 RONALD SWART, individually and on  
24 behalf of PACIFICA FOUNDATION,

25 Plaintiffs,

26 vs.

27 PACIFICA FOUNDATION, a California  
28 non-profit public benefit corporation and  
charitable trust, MARY FRANCES BERRY,  
JUNE MAKELA, FRANK MILLSPAUGH,  
ANDREA CISCO, KEN FORD, ROB  
ROBINSON, DAVID ACOSTA,  
MICHAEL PALMER, ROBERT  
FARRELL, AARON KRIEGEL, PETER  
BRAMSON, KAROLYN VAN PUTTEN,  
TOMAS MORAN, WENDELL JOHNS,  
LESLIE CAGAN, VALRIE CHAMBERS,  
BERTRAM LEE, BETH LYONS, JOHN  
MURDOCK, LYNN CHADWICK, and  
DOES 1-100, inclusive,,

Defendants.

Case No. **C 00 3815** **WHA**

**NOTICE OF MOTION AND  
MOTION TO REALIGN ROBERT  
ROBINSON, AARON KRIEGEL,  
LESLIE CAGAN, TOMAS MORAN  
AND PETER BRAMSON AS  
PLAINTIFFS**

Date: *NOV 30, 2000*  
Time: *8:00 a.m.*  
Courtroom: *NINE*  
Judge: *William H. Alsop*

1 TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on \_\_\_\_\_ at \_\_\_\_\_.m. or  
3 as soon thereafter as the matter may be heard, in Courtroom \_\_\_\_\_ of the above-  
4 captioned Court, located at \_\_\_\_\_ the  
5 motion to realign putative defendants Robert Robinson, Aaron Kriegel, Leslie Cagen,  
6 Tomas Moran and Peter Bramson as plaintiffs, filed by defendants, Pacifica Foundation,  
7 Mary Frances Berry, Frank Millspaugh, Andrea Cisco, Ken Ford, David Acosta, Micheal  
8 Palmer, Karolyn Van Putten, Wendell Johns, Valrie Chambers, Bertram Lee, John  
9 Murdock, Beth Lyons, and Robert Farrell ("the Pacifica Defendants") is scheduled to be  
10 heard.

11 The substantive ground of the Motion is that Robinson, Kriegel, Cagan, Moran and  
12 Bramson are sham defendants whose interests are opposed to those of the Pacifica  
13 Defendants, and whose goals are aligned with the plaintiffs' goals. The joinder of these  
14 persons is a collusive joinder intended by the plaintiffs, as their sole purpose, to defeat  
15 this Court's removal jurisdiction pursuant to 28 U.S.C. § 1441. Pacifica Defendants also  
16 rely upon, as support for this Motion, the accompanying Memorandum of Points and  
17 Authorities, which is incorporated herein by reference.

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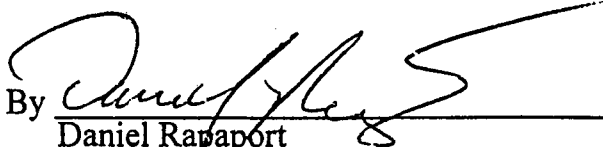
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1           Wherefore, the Pacifica Defendants respectfully request that the Court grant their  
2 Motion and order that Robert Robinson, Aaron Kriegel, Leslie Cagan, Tomas Moran and  
3 Peter Bramson be realigned as plaintiffs.

4 Dated: October 16, 2000

EPSTEIN, BECKER & GREEN, P.C.

5  
6 WENDEL, ROSEN, BLACK & DEAN, LLP

7  
8 By 

Daniel Rapaport  
Attorneys for Defendants  
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PALMER, ROBERT FARRELL,  
KAROLYN VAN PUTTEN, WENDELL  
JOHNS, VALRIE CHAMBERS, BERTRAM  
LEE, BETH LYONS, JOHN MURDOCK  
and LYNN CHADWICK

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