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9 Attorneys for Defendant SUE ANZILOTTI

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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 ANN MARIE BORGES and CHRIS  
14 GURR, individually and doing business  
15 as GOOSE HEAD VALLEY FARMS,

16 Plaintiffs,

17 v.

18 COUNTY OF MENDOCINO, SUE  
19 ANZILOTTI, and DOES 1-25,

20 Defendants,  
21 \_\_\_\_\_ /

3:20-cv-04537 SI

[Proposed] ORDER GRANTING SUE  
ANZILOTTI MOTION TO DISMISS  
COMPLAINT PURSUANT TO F.R.C.P.  
12(b)(6)

Date: September 25, 2020  
Time: 10:00 a.m.  
Ctm: 1, 17<sup>th</sup> Floor, 450 Golden Gate Ave.,  
San Francisco

22 Defendant Sue Anzilotti (Anzilotti) has moved, pursuant to Federal Rules of Civil  
23 Procedure, Rule 12(b)(6), to dismiss the 2<sup>nd</sup> and 4<sup>th</sup> causes of action against Anzilotti in the  
24 complaint (Complaint) filed herein by plaintiffs Ann Marie Borges and Chris Gurr. The  
25 motion was/is set for hearing in this courtroom on September 25, 2020.

26 Anzilotti also filed a motion for joinder in the motion by County of Mendocino  
27 (County) to dismiss with prejudice all of the causes of action in the Complaint, which motion  
28 was/is set for hearing in this courtroom on September 18, 2020, at 10:00 a.m.

Having considered the moving papers on such motions and the opposition and reply  
briefs with respect thereto, and the oral arguments (if any) on the motions, and good cause  
appearing, the Court does hereby ORDER that Anzilotti's motion to dismiss is hereby

1 granted.

2 In light of the Court having also granted County's motion to dismiss, and the Court  
3 finding that plaintiffs cannot amend to cure the defects in their claims to have been deprived  
4 of constitutional rights within the meaning of 42 U.S.C. § 1983, the Court hereby ORDERS  
5 that the dismissal of plaintiffs' claims against Anzilotti is without leave to amend.

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**IT IS SO ORDERED.**

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Dated: \_\_\_\_\_

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Hon. Susan Illston  
Senior United States District Judge

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**PROOF OF SERVICE BY ELECTRONIC DELIVERY**

(Borges v. County of Mendocino, Case No.: 3:10-cv-04537 SI)

I am employed in the County of Mendocino, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 305 N. Main Street, Ukiah, California, 95482.

On August 18, 2020, I served the attached document, entitled **[Proposed] ORDER GRANTING SUE ANZILOTTI MOTION TO DISMISS COMPLAINT PURSUANT TO F.R.C.P. 12(b)(6)** on the interested parties BY ELECTRONIC MAIL at the addressee(s) listed below, as follows:

John Houston Scott  
[john@scottlawfirm.net](mailto:john@scottlawfirm.net)

Christian M. Curtis, County Counsel  
[cocosupport@mendocinocounty.org](mailto:cocosupport@mendocinocounty.org)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 18, 2020, at Ukiah, California.

\_\_\_\_\_  
*/s/ Brian C. Carter*  
Brian C. Carter