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 9 *Attorney General of California*

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

14 **SARA ROYCE; SARAH CLARK;**
 15 **TIFFANY BROWN; and KRISTI**
 16 **CARAWAY,**
 17 Plaintiffs,
 18 v.
 19 **ROB BONTA, in his official capacity**
 20 **as Attorney General of California,**
 21 Defendant.

23-CV-2012-H-BLM

**NOTICE OF MOTION AND
 MOTION TO DISMISS
 COMPLAINT**

[Fed. R. Civ. P. 12(b)(6)]

[Concurrently filed with Memorandum of Points and Authorities and Request for Judicial Notice with Exhibits]

Date: January 22, 2024
 Time: 10:30 a.m.
 Courtroom: 12A
 Judge: The Honorable Marilyn L. Huff
 Trial Date: Not Set
 Action Filed: 10/31/2023

25 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

26 PLEASE TAKE NOTICE that on January 22, 2024, at 10:30 a.m., or as soon
 27 thereafter as the matter may be heard in Courtroom 12A of the above-entitled court,
 28 located at the James M. Carter and Judith N. Keep Courthouse, 333 Broadway, San

1 Diego, California 92101, Defendant Rob Bonta, in his official capacity as Attorney
2 General of California, will and hereby does move this Court for an order dismissing
3 the Complaint in this action with prejudice pursuant to Federal Rules of Civil
4 Procedure 12(b)(6) on the following grounds:

5 1. Plaintiffs' Complaint and its sole cause of action seeking declaratory and
6 injunctive relief for alleged violation of the Free Exercise Clause of the First
7 Amendment fails to state a claim (Fed. R. Civ. P. 12(b)(6)) because Senate Bill
8 277's (Cal. Stats 2015 ch. 35) repeal of California's prior personal beliefs
9 exemption does not implicate First Amendment concerns—it is a law of neutral
10 applicability, personal beliefs are not protected under the Free Exercise Clause, and
11 California's removal of its prior personal beliefs exemption serves a legitimate and
12 compelling public health interest.

13 This Motion to Dismiss is based upon this notice of motion and motion, the
14 accompanying Memorandum of Points and Authorities in support thereof, and the
15 accompanying Request for Judicial Notice and attached exhibits.

16 Finally, this motion is further based upon the Complaint, upon the pleadings,
17 records and files in this action, upon reply to any opposition, and upon such oral
18 argument as may be presented at the hearing of this motion.

19 Dated: November 29, 2023

Respectfully submitted,

20 ROB BONTA
21 Attorney General of California
22 BENJAMIN G. DIEHL
23 Supervising Deputy Attorney General

24 /s/ Darin L. Wessel
25 DARIN L. WESSEL
26 Deputy Attorney General
27 *Attorneys for Defendant*
28 *Rob Bonta, in his official capacity as*
Attorney General of California

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