

1 CHAD A. READLER
Acting Assistant Attorney General
2 WILLIAM C. PEACHEY
3 Director

4 GISELA A. WESTWATER
Assistant Director, NE Bar No.
5 21801
gisela.westwater@usdoj.gov

6 GENEVIEVE M. KELLY
7 Trial Attorney, VA Bar No. 86183
Genevieve.m.kelly@usdoj.gov
8 U.S. Department of Justice
9 Office of Immigration Litigation
10 District Court Section
P.O. Box 868, Ben Franklin Station
11 Washington, D.C. 20044
12 Tel: (202) 532-4705
Fax: (202) 305-7000

YAMILETH G. DAVILA
Assistant Director, FL Bar No.
47329
yamileth.g.davila@usdoj.gov
SAIRAH G. SAEED
Trial Attorney, IL Bar No. 6290644
sairah.g.saeed@usdoj.gov
DANIELLE K. SCHUESSLER
Trial Attorney, MD Bar (No. N/A)
danielle.schuessler@usdoj.gov
ALEXANDER J. HALASKA
Trial Attorney, IL Bar No. 6327002
alexander.j.halaska@usdoj.gov

Attorneys for Named Defendants

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
16 **(San Diego)**

17 AL OTRO LADO, INC., *et al*,
18 Plaintiffs,
19
20 v.
21 Kirstjen NIELSEN,¹ Secretary, U.S.
22 Department of Homeland Security, in
23 her official capacity; *et al.*,
24 Defendants.

Case No. 3:17-cv-02366-BAS-KSC
Defendants' Motion and Notice of
Motion to Dismiss and Memorandum
of Points and Authorities and Exhibits
in Support Thereof
Hon. Cynthia Bashant
Courtroom 4B
Hearing: February 12, 2018
NO ORAL ARGUMENT UNLESS RE-
QUESTED BY THE COURT

26 _____
27 ¹ Secretary Nielsen is automatically substituted for Deputy Secretary Duke pursu-
28 ant to Federal Rule of Civil Procedure 25(d).

1 **DEFENDANTS’ MOTION TO DISMISS AND NOTICE THEREOF**

2 PLEASE TAKE NOTICE that on February 12, 2018, at a time the Court
3 deems proper, or as soon thereafter as the parties may be heard, Defendants will
4 move to dismiss Plaintiffs’ Complaint (ECF No. 1) under Federal Rules of Civil
5 Procedure 12(b)(1) and 12(b)(6). This Motion is based on the following Memo-
6 randum of Points and Authorities, and all pleadings, papers, and files in this ac-
7 tion, and on any arguments as may be presented orally at the hearing on this Mo-
8 tion. The parties initially conferred through counsel on October 3, 2017, regarding
9 Defendants’ intent to file a motion to dismiss in the Central District and the Plain-
10 tiffs’ intent to oppose. On December 4, 2017, the parties conferred about Defend-
11 ants’ intent to file this renewed motion.

1 Dated: December 14, 2017

Respectfully submitted,

2
3 CHAD A. READLER
4 Principal Deputy Assistant Attorney General
5 Civil Division

6 WILLIAM C. PEACHEY
7 Director
8 District Court Section
9 Office of Immigration Litigation

10 GISELA A. WESTWATER
11 Assistant Director
12 District Court Section
13 Office of Immigration Litigation

14 ALEXANDER J. HALASKA
15 Trial Attorney
16 District Court Section
17 Office of Immigration Litigation

18 By: *s/ Genevieve M. Kelly*
19 GENEVIEVE M. KELLY
20 Trial Attorney, District Court Section
21 Office of Immigration Litigation
22 United States Department of Justice
23 P.O. Box 868, Ben Franklin Station
24 Washington, D.C. 20044
25 Tel: (202) 532-4705
26 Fax: (202) 305-7000

27 *Attorneys for Named Defendants*
28

CERTIFICATE OF SERVICE

Case No. 3:17-cv-02366

I certify that on December 14, 2017, I served a copy of the foregoing Motion and Notice of Motion to Dismiss and Memorandum of Points and Authorities and Exhibits in Support Thereof, filing this document with the Clerk of Court through the CM/ECF system, which will provide electronic notice and an electronic link to this document to all attorneys of record.

/s/ Genevieve M. Kelly
Genevieve M. Kelly
genevieve.m.kelly@usdoj.gov
Trial Attorney
United States Department of Justice