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5 *Exempt From Filing Fees (Gov't Code § 6103)*

6 Attorneys for Defendant Michael Vu

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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN DIEGO**
10 **CENTRAL DIVISION**

11 RAYMOND LUTZ,) No. 37-2016-00023347-CU-PT-CTL
12 Contestant,) Action Filed: July 11, 2016
13 v.) **NOTICE OF MOTION AND MOTION**
14 MICHAEL VU, Registrar of Voters for the) **FOR JUDGMENT ON THE PLEADINGS**
County of San Diego; HILARY CLINTON,) **AND DISMISSAL OF SECOND**
15 Democratic Presidential Party candidate) **AMENDED AFFIDAVIT OF**
names as an indispensable party, and DOES) **CONTESTANT AND FOR DISMISSAL**
16 1-10,) **OF THE AFFIDAVIT OF CONTEST**
17 Defendants.) **IMAGED FILE**
18) Date: June 7, 2018
19) Time: 1:30 p.m.
) Dept.: 903
) ICJ: Hon. Laura H. Parsky

20 To: Raymond Lutz, Contestant:

21 NOTICE IS HEREBY GIVEN that on June 7, 2018 at 1:30 p.m. or as soon thereafter as
22 the matter may be heard in Department 903 of the above entitled court, located at 1100 Union
23 Street, San Diego Ca, 92101, (the "Registrar") Michael Vu, in his official capacity as the
24 Registrar of Voters for the County of San Diego, will and does hereby move pursuant to Code of
25 Civil Procedure Section 438 for entry of judgment on the pleadings in favor of the Registrar and
26 against contestant Raymond Lutz and for dismissal of the affidavit of contest.

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The motion will be made on the grounds that the court lacks jurisdiction over the contest that is the subject of contestant’s challenge and on the grounds that the second amended affidavit of contestant fails to state facts sufficient to constitute a cause of action.

The motion will be based on this notice of motion, on the supporting memorandum of points and authorities filed herewith, on the records on file with the court, and upon such other and further such other and further evidence as the court deems appropriate.

Dated: May 9, 2018

THOMAS E. MONTGOMERY,
County Counsel, County of San Diego

By: s/Timothy M. Barry
TIMOTHY M. BARRY, Chief Deputy
Attorneys for Michael Vu, Registrar of Voters
for the County of San Diego