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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

MAR 15 2011

John A. Clarke, Executive Officer/Clerk  
BY Mary Flores, Deputy

Attorneys for Defendants CALIFORNIA SCIENCE  
CENTER FOUNDATION and JEFFREY  
RUDOLPH, individually and in his official capacity  
as President of the California Science Center  
Foundation

SUPERIOR COURT, STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CENTRAL DISTRICT

AMERICAN FREEDOM ALLIANCE, a  
nonprofit corporation;

Plaintiff,

v.

CALIFORNIA SCIENCE CENTER; a legal  
entity of the State of California; CALIFORNIA  
SCIENCE CENTER FOUNDATION, a  
nonprofit corporation; JEFFREY RUDOLPH, an  
individual; and DOES 1 through 50, inclusive;

Defendants.

CASE NO. BC 423687

Assigned to: Hon. Terry A. Green, Dept. 14

**DEFENDANTS CALIFORNIA SCIENCE  
CENTER FOUNDATION'S AND JEFFREY  
RUDOLPH'S (AS PRESIDENT OF THE  
FOUNDATION AND IN HIS INDIVIDUAL  
CAPACITY) NOTICE OF MOTION AND  
MOTION FOR SUMMARY  
ADJUDICATION ON AMERICAN  
FREEDOM ALLIANCE'S CLAIMS  
ASSERTED UNDER THE UNITED STATES  
CONSTITUTION AND CALIFORNIA  
CONSTITUTION**

[Separate Statement; Memorandum of Points and  
Authorities in Support Thereof; Appendix of Non-  
California Authorities; Declaration of Jeremy S.  
Ochsenbein; Declaration of Jeffrey N. Rudolph;  
Declaration of Cynthia Pygin; and [Proposed] Order  
filed concurrently herewith]

DATE OF FILING  
OF ORIGINAL  
COMPLAINT:

October 14, 2009

DATE OF FILING OF  
THIRD AMENDED  
COMPLAINT:

August 18, 2010

TRIAL DATE:

July 25, 2011

HEARING DATE:

June 1, 2011

HEARING TIME:

8:45 a.m.

HEARING PLACE:

Dept. 14

CHECK: 500.00  
CASH:  
CHANGE  
CARD:

CIT/CASE: BC423687 LEA/DEF#:   
RECEIPT #: CCH478057098   
DATE PAID: 03/15/11 03:49:28 PM   
PAYMENT: \$500.00   
RECEIVED:   
0310

03/16/11

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on June 1, 2011 at 8:45 a.m., or as soon thereafter as this  
3 matter may be heard in Department 14 of the above-entitled Court, the Honorable Terry A. Green  
4 presiding, Defendants California Science Center Foundation (the "Foundation") and Jeffrey Rudolph,  
5 individually and in his official capacity as President of the Foundation ("Rudolph") (collectively, the  
6 "Foundation Defendants"), will and hereby do move this Court for an order granting summary  
7 adjudication in favor of the Foundation Defendants and against Plaintiff American Freedom Alliance  
8 ("AFA") on the claims asserted by AFA under the United States Constitution and the California  
9 Constitution.

10 The motion is made pursuant to California Code of Civil Procedure Section 437c(f), on the  
11 grounds that there are no triable issues of material fact and the Foundation Defendants are entitled to  
12 judgment as a matter of law. The Foundation Defendants will move for summary adjudication of the  
13 following issues:

14 ISSUE NO. 1: AFA's Second, Third, Fourth, Eighth, and Ninth Causes of Action are  
15 incapable of proof as a matter of law because there is no evidence that the Foundation Defendants  
16 were state actors and therefore AFA cannot meet an essential element to support each of these causes  
17 of action.

18 ISSUE NO. 2. AFA's Second, Third, Fourth, Eighth, and Ninth Causes of Action are  
19 incapable of proof as a matter of law because there is no evidence that the Foundation Defendants  
20 engaged in intentional discrimination and therefore AFA cannot meet an essential element to support  
21 each of these causes of action.

FILED

1 This Motion is made upon this Notice, the Memorandum of Points and Authorities, the  
2 Separate Statement of Undisputed Material Facts, the Declaration of Jeremy S. Ochsbein, the  
3 Declaration of Jeffrey N. Rudolph, the Declaration of Cynthia Pygin, the appendix of non-California  
4 authorities, all pleadings, records and files in this action, and such oral argument and evidence which  
5 is presented at the hearing on this Motion.

6 DATED: March 15, 2011

GIBSON, DUNN & CRUTCHER LLP

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8 By:   
Patrick W. Dennis

9  
10 Attorneys for Defendants,  
11 CALIFORNIA SCIENCE CENTER FOUNDATION  
12 and JEFFREY RUDOLPH, individually and in his  
13 official capacity as President of the California Science  
14 Center Foundation  
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