

1 LONGYEAR, O’DEA & LAVRA, LLP

2 3620 American River Drive, Suite 230  
3 Sacramento, California 95864-5923

4 Tel: 916-974-8500 Fax: 916 974-8510

5 John A. Lavra, CSB No. 114533

6 Jeri L. Pappone, CSB No. 210104

7 Attorneys for Defendants, LOU BLANAS, as SHERIFF OF COUNTY  
8 OF SACRAMENTO; COUNTY OF SACRAMENTO,  
9 SHERIFF’S DEPARTMENT; COUNTY OF SACRAMENTO

10 **UNITED STATES DISTRICT COURT**

11 **EASTERN DISTRICT OF CALIFORNIA**

12 DAVID K. MEHL,

13 Plaintiff,

14 vs.

15 LOU BLANAS, individually and in his  
16 official capacity as SHERIFF OF  
17 COUNTY OF SACRAMENTO;  
18 COUNTY OF SACRAMENTO,  
19 SHERIFF’S DEPARTMENT;  
20 COUNTY OF SACRAMENTO;  
21 BILL LOCKYER, Attorney General,  
22 State of California;  
23 RANDI ROSSI, State Firearms Director  
24 and Custodian of Records

25 Defendants

26 **CASE NO.: CIV S-03 -2682 MCE KJM**

27 Complaint filed: 12-30-03

28 Trial date: None

Date: February 6, 2006

Time: 9:00 a.m.

Courtroom: 3

**AMENDED NOTICE OF MOTION AND  
MOTION TO DISMISS WITH  
PREJUDICE**

**FRCP 41(b)**

**[Fee exempt: Cal. Gov. Code § 6103]**

29 **TO PLAINTIFFS AND THEIR COUNSEL OF RECORD:**

30 YOU ARE HEREBY NOTIFIED THAT at 9:00 a.m. on February 6, 2006, or as soon  
31 thereafter as this matter can be heard, in Courtroom 3 of the United States District Court for the  
32 Third District, located at 501 I Street, Sacramento, California, 95814 Defendants, and each of  
33 them, will move this Court for dismissal of this action with prejudice pursuant to Federal Rules  
34 of Civil Procedure, Rule 41(b).

35 The motion will be brought on the ground that Plaintiffs have failed to prosecute this  
36 matter with reasonable diligence, and Defendants have thereby been prejudiced.

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This motion is based on this notice, the memorandum of points and authorities, declarations and exhibits, the request for judicial notice, and the complete file and records in this action and on such other and further evidence as may be accepted at the hearing of this matter.

Dated: January 4, 2006

LONGYEAR, O'DEA & LAVRA, LLP

By: /s/ Jeri L. Pappone  
JOHN A. LAVRA, CSB No. 114533  
JERI L. PAPPONE, CSB NO. 210104  
Attorneys for Defendants