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*Attorneys for Defendants California Science Center
and Jeffrey Rudolph in his individual and official
capacity as President and CEO of the California
Science Center*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

SEP 16 2010

John A. Clark, Executive Officer/Clerk
[Signature]
GLORIETTA ROBINSON, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

**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: The Honorable Terry A. Green,
Dept. 14

**DEFENDANTS CALIFORNIA SCIENCE
CENTER AND JEFFREY RUDOLPH IN
HIS INDIVIDUAL AND OFFICIAL
CAPACITY AS THE PRESIDENT AND
CEO OF THE CALIFORNIA SCIENCE
CENTER'S NOTICE OF DEMURRER
AND DEMURRER TO PLAINTIFF
AMERICAN FREEDOM ALLIANCE'S
THIRD AMENDED COMPLAINT**

[Memorandum of Points and Authorities in
Support Thereof filed concurrently herewith]

DATE OF ORIGINAL

COMPLAINT: October 14, 2009

DATE OF FILING

THIRD AMENDED

COMPLAINT: August 18, 2010

TRIAL DATE: June 13, 2011

HEARING DATE: October 8, 2010

HEARING TIME: 8:45 a.m.

HEARING PLACE: Dept. 14

1 **NOTICE OF DEMURRER**

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

3 **PLEASE TAKE NOTICE** that on October 8, 2010 at 8:45 a.m., or as soon thereafter as
4 this matter may be heard in Department 14 of the above-entitled Court, the Honorable Terry A.
5 Green presiding, Defendants California Science Center (the "Science Center") and Jeffrey
6 Rudolph in his individual and official capacity as President and CEO of the California Science
7 Center ("Rudolph") (collectively, the "Center Defendants"), will and hereby do demur to the
8 Third Amended Complaint (the "TAC") of Plaintiff American Freedom Alliance ("AFA"),
9 pursuant to section 430.10(e) of the California Code of Civil Procedure, on the grounds that the
10 TAC's Fifth, Sixth, and Seventh Causes of Action each fail to state a cause of action against the
11 Center Defendants.

12 The Demurrer is based on this Notice of Demurrer and Demurrer, the accompanying
13 Memorandum of Points and Authorities¹ in support thereof, all records and pleadings on file with
14 the Court in this matter, all matters of which the Court may take judicial notice, and all further
15 evidence and argument that may be presented in Reply to any Opposition to this Demurrer at or
16 before the hearing on this Demurrer.

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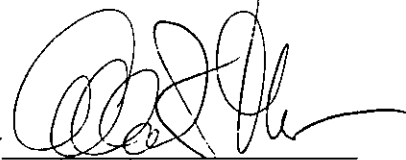
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26 ¹ The Center Defendants accompanying Memorandum of Points and Authorities adopts and incorporates
27 the September 16, 2010 Memorandum of Points and Authorities supporting the concurrently filed Demurrer of the
28 California Science Center Foundation and Jeffrey Rudolph in his individual and official capacity as President of the
California Science Center Foundation. 2

1 Dated: September 16, 2010

Respectfully Submitted,

2 EDMUND G. BROWN JR.
Attorney General of California

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4
5 By 

ALLAN S. ONO

6 Deputy Attorney General
7 *Attorneys for Defendants California*
8 *Science Center and Jeffrey Rudolph in his*
9 *individual and official capacity as*
10 *President and CEO of the California*
11 *Science Center*

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1 **DEMURRER**

2 The Center Defendants' Demurrer to the TAC's Fifth, Sixth, and Seventh Causes of
3 Action asserted against them is based on the following grounds:

4 **Demurrer to Fifth Cause of Action for**

5 **Conspiracy (42 U.S.C. § 1985(3))**

6 1) The TAC's Fifth Cause of Action for Conspiracy in violation of 42 U.S.C. §
7 985(3) fails to state facts sufficient to constitute a cause of action. (Code Civ. Proc. §§ 430.10(e),
8 430.30.) Plaintiffs have not sufficiently alleged, and cannot allege, discrimination based on a
9 class protected under the statute.

10 **Demurrer to Sixth Cause of Action for**

11 **Failure to Prevent Violations and Civil Conspiracy (42 U.S.C. § 1986)**

12 2) The TAC's Sixth Cause of Action for Failure to Prevent Violations and Civil
13 Conspiracy pursuant to 42 U.S.C. § 1986 fails to state facts sufficient to constitute a cause of
14 action. (Code Civ. Proc. §§ 430.10(e), 430.30.) Plaintiffs have not sufficiently alleged, and
15 cannot allege, the existence of a conspiracy as required by the statute.

16 **Demurrer to Seventh Cause of Action for**

17 **Violation of the Unruh Civil Rights Act (Civil Code §§ 51 and 51.5)**

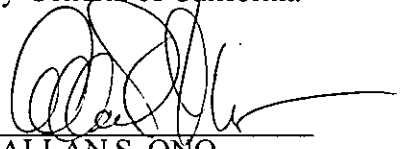
18 3) The TAC's Seventh Cause of Action for Violation of the Unruh Civil Rights Act
19 fails to state facts sufficient to constitute a cause of action. (Code Civ. Proc. §§ 430.10(e),
20 430.30.) Plaintiffs have not sufficiently alleged, and cannot allege, discriminatory intent.
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1 The Center Defendants respectfully request that the Court sustain this Demurrer without
2 leave to amend and award such other relief as the Court may deem necessary and proper.

3 Dated: September 16, 2010

Respectfully Submitted,

4 EDMUND G. BROWN JR.
Attorney General of California

5
6
7 BY 
ALLAN S. ONO
8 Deputy Attorney General
9 *Attorneys for Defendants California*
10 *Science Center and Jeffrey Rudolph in his*
11 *individual and official capacity as*
12 *President and CEO of the California*
13 *Science Center*

DECLARATION OF SERVICE BY ELECTRONIC & U.S. MAIL

Case Name: **American Freedom Alliance v. California Science Center, et al.**

Case No.: **BC 423687**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On September 16, 2010, I served the attached DEFENDANTS CALIFORNIA SCIENCE CENTER AND JEFFREY RUDOLPH IN HIS INDIVIDUAL AND OFFICIAL CAPACITY AS THE PRESIDENT AND CEO OF THE CALIFORNIA SCIENCE CENTER'S NOTICE OF DEMURRER AND DEMURRER TO PLAINTIFF AMERICAN FREEDOM ALLIANCE'S THIRD AMENDED COMPLAINT

by transmitting a true copy via ELECTRONIC MAIL. In addition, I placed a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Los Angeles, California, addressed as follows:

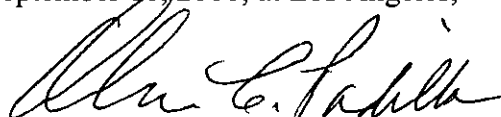
William J. Becker, Jr. Esq.
The Becker Law Firm
11500 Olympic Boulevard, Suit 400
Los Angeles, CA 90064

James L. Zelenay, Jr., Esq.
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071-3197

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 16, 2010, at Los Angeles, California.

Olivia C. Padilla

Declarant



Signature