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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*

[EXEMPT FROM FILING FEES -
GOV. CODE § 6130]

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAR 25 2011

John A. Cl... Officer/Clerk
By [Signature] Deputy
GLORIETTA ROBINSON

SUPERIOR COURT OF THE 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

**DEFENDANTS CALIFORNIA SCIENCE
CENTER'S AND JEFFREY RUDOLPH'S
IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY AS PRESIDENT AND CEO
OF THE CALIFORNIA SCIENCE
CENTER, NOTICE OF MOTION AND
MOTION FOR SUMMARY JUDGMENT,
OR, IN THE ALTERNATIVE,
SUMMARY ADJUDICATION ON
PLAINTIFF'S THIRD AMENDED
COMPLAINT**

**[Separate Statement of Undisputed
Material Facts; Memorandum of Points
and Authorities in Support Thereof;
Appendix of Non-California Authorities;
Declarations of Allan Ono, Cheryl Tateishi
and Jeffrey Rudolph; and [Proposed]
Order filed concurrently herewith]**

Date: June 9, 2011
Time: 8:45 a.m.
Dept: 14
Judge: The Honorable Terry A. Green
Trial Date: July 25, 2011
Action Filed: October 14, 2009

03/25/11

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

2 **PLEASE TAKE NOTICE THAT** on June 9, 2011 at 8:45 a.m. in Department 14 of the
3 Los Angeles Superior Court, located at 111 North Hill St., Los Angeles, CA 90012 , Los Angeles,
4 California, or at such other time or location as the court may direct, Defendants California
5 Science Center (“Center”) and Jeffrey Rudolph in his individual and official capacity as President
6 and CEO of the California Center (“Rudolph” and collectively, the “Center Defendants”) will
7 move, pursuant to Code of Civil Procedure section 437c, for an order granting summary judgment
8 in favor of the Center Defendants and against Plaintiff American Freedom Alliance (“AFA”) on
9 its Third Amended Complaint and for costs of suit and such other relief as may be just. This
10 motion is made on the grounds that the undisputed facts establish the following:

- 11 1. The Center was not a party to the alleged contract with AFA;
- 12 2. AFA never submitted a claim for damages with the California Victim Compensation
13 and Government Claims Board;
- 14 3. The Center Defendants possess Eleventh Amendment immunity;
- 15 4. AFA does not face the threat of future injury from Rudolph in his official Center
16 capacity;
- 17 5. The Center Defendants were not engaged in any discriminatory conduct;
- 18 6. Rudolph possesses qualified immunity; and,
- 19 7. AFA’s cause of action for declaratory relief is moot.

20 In the event that summary judgment is for any reason denied, then the Center Defendants
21 will, and hereby do, move for an order summarily adjudicating the following issues and causes of
22 action:

23 ISSUE NO. 1: That the Center is entitled to judgment on AFA’s First Cause of Action for
24 Breach of Contract because the Center was not a party to the contract.

25 ISSUE NO. 2: That the Center is entitled to judgment on AFA’s First Cause of Action for
26 Breach of Contract because AFA never filed a claim for money damages with the California
27 Victim’s Compensation and Government Claims Board.

1 ISSUE NO. 3: That the Center and Rudolph in his official Center capacity are entitled to
2 judgment on AFA's Second, Third and Fourth Causes of Action because they possesses Eleventh
3 Amendment immunity.

4 ISSUE NO. 4: That the Center Defendants are entitled to judgment on AFA's Second,
5 Third, Fourth and Eighth Causes of Action because there is no evidence that the Center
6 Defendants engaged in any discriminatory conduct.

7 ISSUE NO. 5: That Jeffrey Rudolph in his official Center capacity is entitled to judgment
8 on AFA's Second, Third and Fourth Causes of Action because AFA does not face the threat of
9 future injury from Rudolph in his official capacity necessary to support injunctive relief.

10 ISSUE NO. 6: That Jeffrey Rudolph in his individual capacity is entitled to judgment on
11 AFA's Second, Third, Fourth and Eighth Causes of Action because he possesses qualified
12 immunity.

13 ISSUE NO. 7: That the Center Defendants are entitled to judgment on AFA's Ninth Cause
14 of Action for Declaratory Relief because such requested relief is moot in the absence of
15 underlying Constitutional violations.

16 ISSUE NO. 8: That AFA's Eighth Cause of Action cannot support a claim for money
17 damages.

18 ISSUE NO. 9: That punitive damages are not recoverable against the Center Defendants.
19 The Center Defendants therefore seek an order that the final judgment in this action shall, in
20 addition to any matters determined at trial, award judgment as established by such adjudication.

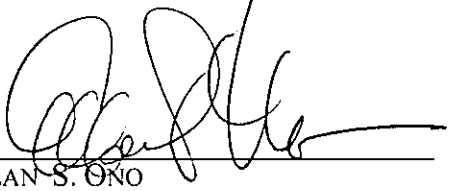
21 This Motion is made upon this Notice, the attached Memorandum of Points and
22 Authorities, the concurrently filed Separate Statement of Undisputed Material Facts, Declarations
23 of Allan Ono, Jeffrey Rudolph and Cheryl Tateishi, Appendix of Non-California Authorities, and
24 all pleadings, records and files in this action, and such oral argument and evidence as the Court
25 may allow at the hearing on this Motion.

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Dated: March 23, 2011

Respectfully Submitted

KAMALA D. HARRIS
Attorney General of California

By 

ALLAN S. ONO
Deputy Attorney General
*Attorneys for Defendants
California Science Center and Jeffrey
Rudolph in his individual and official
capacity as President and CEO of the
California Science Center*

LA2009604304

11/22/05

DECLARATION OF SERVICE BY MESSENGER

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

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; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

On March 25, 2011, I caused the attached DEFENDANTS CALIFORNIA SCIENCE CENTER AND JEFFREY RUDOLPH IN HIS INDIVIDUAL AND OFFICIAL CAPACITY AS PRESIDENT AND CEO OF THE CALIFORNIA SCIENCE CENTER'S NOTICE OF MOTION OF MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE SUMMARY ADJUDICATION, ON PLAINTIFF'S THIRD AMENDED COMPLAINT to be personally served by Ace Messenger Service by placing a true copy thereof for delivery to the following person(s) at the address(es) as follows:

William J. Becker, Jr., Esq.
The Becker Law Firm
11500 Olympic Boulevard, Suite 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 March 25, 2011, at Los Angeles, California.

Olivia Padilla

Declarant



Signature

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