

1 LESTER J. MARSTON  
 California State Bar No. 081030  
 2 RAPPORT AND MARSTON  
 405 West Perkins Street  
 3 P.O. Box 488  
 Ukiah, CA 95482  
 4 Telephone: 707-462-6846  
 Facsimile: 707-462-4235  
 5 e-mail: [marston1@pachell.net](mailto:marston1@pachell.net)  
 6 Attorneys for David Mendoza

7  
 8 **SUPERIOR COURT OF CALIFORNIA**  
 9 **COUNTY OF LAKE**

|                                  |   |                               |
|----------------------------------|---|-------------------------------|
| 10 GARY SABALONE,                | ) | Case No. 409878               |
|                                  | ) |                               |
| 11 Person asking for protection, | ) | NOTICE OF MOTION AND MOTION   |
|                                  | ) | TO QUASH, DEMURRER, AND       |
| 12 vs.                           | ) | MOTION TO DISMISS REQUEST FOR |
|                                  | ) | AN ORDER TO STOP CIVIL        |
| 13 DAVID MENDOZA,                | ) | HARASSMENT.                   |
|                                  | ) |                               |
| 14 Person to be restrained.      | ) |                               |
|                                  | ) | DATE: March 24, 2011          |
|                                  | ) | TIME: 8:15 a.m.               |
|                                  | ) | DEPT.: 1                      |

17 TO: GARY SABALONE:

18 PLEASE TAKE NOTICE, that on May 24, 2010, at 8:15 a.m., or as soon thereafter as  
 19 the matter may be heard, Robinson Rancheria Tribal Chief of Police David Mendoza  
 20 ("Mendoza") will, and hereby does, specially appear to move the Court to quash service of the  
 21 request for an order to stop civil harassment, and to dismiss the request for an order to stop civil  
 22 harassment filed by Gary Sabalone ("Sabalone") herein. Mendoza's motion shall be heard  
 23 before the Honorable Arthur A. Mann, at the Lake County Superior Court, located at 255 North  
 24 Forbes Street, Lakeport, California, 95453.

25 Mendoza moves to quash service of the summons of the Request, demurs to the  
 26 Request, and moves to dismiss the complaint for lack of personal and subject matter  
 27 jurisdiction ("Motion"), pursuant to California Code of Civil Procedure § 418.10, California  
 28 Code of Civil Procedure § 430.10 and the common law, on the grounds that:

NOTICE OF MOTION AND MOTION TO QUASH,  
 DEMURRER, AND MOTION TO DISMISS REQUEST FOR  
 AN ORDER TO STOP CIVIL HARASSMENT

1           1.       As an official of the Robinson Rancheria of Pomo Indians, acting in his official  
2 capacity, Mendoza enjoys the protection of the Tribe's sovereign immunity from suit;

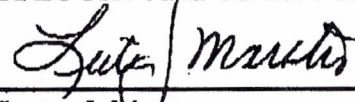
3           2.       Sabalone has and failed to state facts sufficient to constitute a cause of action  
4 pursuant to Cal. Code Civ. Proc. § 527.6, in that he has not stated sufficient facts to meet the  
5 definition of either "credible threat of violence" or "course of conduct," as those terms are  
6 defined in Cal. Code Civ. Proc. § 527.6.

7           This motion is based on: (1) this Notice; (2) the accompanying Memorandum of Points  
8 and Authorities In Support of Defendants' Motion; (3) the Declarations of David Mendoza,  
9 John Irwin, Dean Rogers, Dietrick McGinnis, Lester J. Marston filed in support of the Motion;  
10 (4) all pleadings already on file in this case; and (5) such other evidence or arguments as may be  
11 presented at the hearing on this Motion.

12 DATED: March 22, 2011

Respectfully submitted,

RAPPORT AND MARSTON

By:   
Lester J. Marston  
Attorneys for David Mendoza

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## PROOF OF SERVICE

2 I am employed in the County of Mendocino, State of California. I am over the age of 18  
3 years and not a party to the within action; my business address is that of Rapport & Marston,  
405 West Perkins Street, P.O. Box 488, Ukiah, CA 95482.

4 On March 22, 2011, I served the below listed documents described as:

- 5 1. Notice of Motion and Motion to Quash, Demurrer, and Motion to  
6 Dismiss Request for An Order to Stop Civil Harassment;
- 7 2. Memorandum of Points and Authorities In Support of Opposition to Request for  
8 Restraining Order and in Support of Motion to Quash, Demurrer, and Motion to  
9 Dismiss;
- 10 3. Declaration of Dietrick McGinnis in Support of Opposition to Request for  
11 Restraining Order and in Support of Motion to Quash, Demurrer, and Motion to  
12 Dismiss;
- 13 4. Declaration of Dean Rogers in Support of Opposition to Request for Restraining  
14 Order and in Support of Motion to Quash, Demurrer, and Motion to Dismiss;
- 15 5. Declaration of David Mendoza in Support of Opposition to Request for  
16 Restraining Order and in Support of Motion to Quash, Demurrer, and Motion to  
17 Dismiss;
- 18 6. Declaration of John Irwin in Support of Opposition to Request for Restraining  
19 Order and in Support of Motion to Quash, Demurrer, and Motion to Dismiss;
- 20 7. Declaration of Lester J. Marston in Support of Opposition to Request for  
21 Restraining Order and in Support of Motion to Quash, Demurrer, and Motion to  
22 Dismiss;

23 by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

24 Gary Sabalone  
25 P. O. Box 368  
26 Upper Lake, CA 95485

27 I deposited such envelope in the mail receptacle at Ukiah, California. The envelope was  
28 mailed with postage thereon fully prepaid or, if sent by overnight delivery, deposited in an  
overnight delivery service pickup box or office on the same day.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct; executed on March 22, 2011, at Ukiah, California

*Christine Zeller*