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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 ROBERT JACOBSEN,

14 Plaintiff,

15 vs.

16 MATTHEW KATZER, KAMIND  
17 ASSOCIATES, INC., and KEVIN  
18 RUSSELL,

19 Defendants.

Case No. C 06 1905 JSW

NOTICE OF MOTION TO  
DISMISS FOR LACK OF  
PERSONAL JURISDICTION  
[F. R. CIV. P. 12(b)(2)] AND FOR  
FAILURE TO STATE A CLAIM  
ON WHICH RELIEF CAN BE  
GRANTED [F. R. Civ. P. 12(b)(6)]

Date: August 4, 2006  
Time: 9:00 a.m.  
Dept: Courtroom 2, 17th floor  
Hon. Jeffrey S. White

20 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

21 PLEASE TAKE NOTICE THAT on August 4, 2006, at 9:00 a.m., in  
22 Courtroom 2, 17th floor, of the Federal Building, located at 450 Golden Gate Avenue,  
23 San Francisco, California, before the Hon. Jeffrey S. White, Defendant Kevin Russell  
24 shall have heard his MOTION TO DISMISS FOR LACK OF PERSONAL  
25 JURISDICTION [F. R. CIV. P. 12(b)(2)] AND TO DISMISS THE FIFTH AND  
26 SEVENTH CLAIMS FOR RELIEF, denominated "Count 5" and "Count 7" FOR  
27 FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED [F. R. Civ.  
28 P. 12(b)(6)].

PAGE 1 — NOTICE OF MTN. & MOTION TO DISMISS BY K. RUSSELL

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1 The grounds for this motion are that the Complaint fails to state facts which  
2 constitute a claim against defendant Russell, and that there is no basis for this Court to  
3 assert personal jurisdiction over defendant Russell, and citizen and resident of the State of  
4 Oregon.

5 The motion will be based upon this Notice of Motion and Motion, the  
6 Memorandum of Points and Authorities, Declarations of Kevin Russell and Matthew  
7 Katzer filed herewith, and the pleadings and papers filed herein.

8 Dated: May 12, 2006

Law Offices of David M. Zeff

9  
10 By 

David M. Zeff, Attorneys For  
Defendant Kevin Russell