

1 FITZGERALD KNAIER LLP
2 Keith M. Cochran, Esq. (SBN: 254346)
3 kcochran@fitzgeraldknaier.com
4 402 West Broadway, Suite 1400
5 San Diego, California 92101
6 Tel: (619) 241-4810
7 Fax: (619) 955-5318

8 Attorneys for Defendants
9 Linda R. Kramer and Erik Von Presentin Hunsaker
10 as Co-Trustees of the Lynn and Erik's Trust

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 LAURA LYNN HAMMETT, an
14 individual,
15 Plaintiff,
16 v.
17 MARY E. SHERMAN, an individual;
18 MARY E. SHERMAN, as manager of
19 Silver Strand Plaza, LLC; SILVER
20 STRAND PLAZA, LLC, a California
21 limited liability company; MARY E.
22 SHERMAN as CO-TRUSTEE OF THE
23 J & M SHERMAN FAMILY TRUST, a
24 California revocable trust; JEFFREY M.
25 SHERMAN as CO-TRUSTEE OF THE
26 J & M SHERMAN FAMILY TRUST;
27 MARY E. SHERMAN as TRUSTEE OF
28 THE ALEXA SHERMAN
IRREVOCABLE TRUST, a California
irrevocable trust; MARY E. SHERMAN
as TRUSTEE OF THE DANA
SHERMAN IRREVOCABLE TRUST, a
California irrevocable trust; MARY E.
SHERMAN as TRUSTEE OF THE
JENNA SHERMAN IRREVOCABLE
TRUST, a California irrevocable trust;
MARY E. SHERMAN as TRUSTEE OF

Case No.: 3:19-cv-0605-JLS-LL

**Defendants Linda R. Kramer and Erik
Von Presentin Hunsaker's Notice of
Motion and Motion to Dismiss
Plaintiff's First Amended Complaint**

Hearing Date: 9/26/19
Time: 1:30 p.m.
Courtroom: 4D

Hon. Janis L. Sammartino
Hon. Magistrate Linda Lopez

Case Filed: April 2, 2019

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE BROXTON DENNIS
IRREVOCABLE TRUST, a California
irrevocable trust; MARY E. SHERMAN
as TRUSTEE OF THE CURT DENNIS
IRREVOCABLE TRUST, a California
irrevocable trust; MARY E. SHERMAN
as TRUSTEE OF THE SEAN LYNN
IRREVOCABLE TRUST, a California
irrevocable trust; MARY E. SHERMAN
as TRUSTEE OF THE BRANDEN
LYNN IRREVOCABLE TRUST, a
California irrevocable trust; LINDA R.
KRAMER, an individual; LINDA R.
KRAMER as CO-TRUSTEE OF THE
LYNN AND ERIK'S TRUST; ERIK
VON PRESSINTIN HUNSAKER as
CO-TRUSTEE OF THE LYNN AND
ERIK'S TRUST; DIANE G. DENNIS,
an individual; ELLIS ROY STERN,
ESQ., an individual; ALAN N.
GOLDBERG, ESQ., an individual;
STERN & GOLDBERG, a California
Partnership; PATRICK C.
MCGARRIGLE, ESQ., an individual;
MCGARRIGLE, KENNEY &
ZAMPIELLO, A PROFESSIONAL
LAW CORPORATION, a California
corporation; DOES 1-99,

Defendants.

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

2 PLEASE TAKE NOTICE that on September 26, 2019, at 1:30 p.m. or as
3 soon thereafter as the matter may be heard, in Courtroom 4D of the above-entitled
4 court, located at 221 West Broadway, San Diego, CA 92101, defendants Linda
5 “Lynn” R. Kramer and Erik Von Pressentin Hunsaker will move this Court for an
6 order dismissing all causes of action against defendants pursuant to Fed. R. Civ. P.
7 12(b) for failure to state a claim.

8 This motion is based on this Notice of Motion and Motion, the
9 Memorandum of Points and Authorities filed herewith, and the pleadings and papers
10 filed herein.

11 Respectfully submitted,

12 DATED: July 30, 2019

FITZGERALD KNAIER LLP

14 By: s/ Keith M. Cochran

15 Keith M. Cochran
16 Attorney for Defendants
17 Linda R. Kramer and Erik Von
18 Pressentin Hunsaker as Co-Trustees
19 of the Lynn and Erik’s Trust
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that today I am causing to be served the foregoing document by CM/ECF notice of electronic filing upon the parties and counsel registered as CM/ECF Users. I further certify that, to the extent they are not registered CM/ECF Users, I am causing the foregoing document to be served by electronic means via email upon counsel for Linda “Lynn” R. Kramer and Erik Von Presentin Hunsaker per the agreement of counsel.

Dated: July 30, 2019

s/ Keith M. Cochran

Keith M. Cochran, Esq.