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6

7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA

9 VERONICA BRILL, *et al.*

10 Plaintiffs,

11 vs.

12 MICHAEL L. POSTLE, *et al.*

13 Defendants.  
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Case No. 2:19-cv-02027-WBS-AC

The Honorable William B. Shubb

SUGGESTION OF MOOTNESS

15 Come now Veronica Brill (“Ms. Brill”), Kasey Lyn Mills (“Ms. Mills”); Marc Goone  
16 (“Mr. Goone”), Navroop Shergill (“Mr. Shergill”); Jason Scott (“Mr. Scott”); Azaan Nagra (“Mr.  
17 Nagra”); Eli James (“Mr. James”); Phuong Phan (“Mr. Phan”); Jeffrey Sluzinski (“Mr.  
18 Sluzinski”), Harlan Karnofsky (“Mr. Karnofsky”); Nathan Pelkey (“Mr. Pelkey”); Matthew  
19 Allen Holtzclaw (“Mr. Holtzclaw”); Jon Turovitz (“Mr. Turovitz”); Robert Young (“Mr.  
20 Young”); Blake Alexander Kraft (“Mr. Kraft”); Jaman Yonn Burton (“Mr. Burton”); Michael  
21 Rojas (“Mr. Rojas”); Hawnlay Swen (“Mr. Swen”); Thomas Morris III (“Mr. Morris”); Paul  
22 Lopez (“Mr. Lopez”); Rolando Cao (“Mr. Cao”); Benjamin Jackson (“Mr. Jackson”); Hung Sam  
23 (“Mr. Sam”); Corey Caspers (“Mr. Caspers”); Adam Duong (“Mr. Duong”); Dustin McCarthy  
24 (“Mr. McCarthy”); Chou Vince Xiong (“Mr. Xiong”); Brian Olson (“Mr. Olson”); Cameron  
25  
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1 Smith (“Mr. Smith”); Jordan Diamond (“Mr. Diamond”); Aronn Solis (“Mr. Solis”); Alisha  
2 Daniels-Duckworth (“Ms. Daniels-Duckworth”); Christian Soto Vasquez (“Mr. Vasquez”);  
3 Andrew Hernandez (“Mr. Hernandez”); Darrell Steed (“Mr. Steed”); Arish S. Nat (“Mr. Nat”);  
4 Kyle Kitagawa (“Mr. Kitagawa”); Brian Michael Raasch (“Mr. Raasch”); Zeev Malkin (“Mr.  
5 Malkin”); David Crittenton (“Mr. Crittenton”); Patrick Laffey (“Mr. Laffey”); Paras Singh (“Mr.  
6 Singh”); Firas Bouri (“Mr. Bouri”); Idris M. Yonisi (“Mr. Yonisi”); Joshua Whitesell (“Mr.  
7 Whitesell”); David Duarte (“Mr. Duarte”); Harun Unai Begic (“Mr. Begic”); Brad Kraft (“Mr.  
8 Kraft”); Taylor Carroll (“Mr. Carroll”); Elias AbouFares (“Mr. AbouFares”); Tyler Denson  
9 (“Mr. Denson”); Andrew Lok (“Mr. Lok”); Jake Rosenstiel (“Mr. Rosenstiel”); Anthony  
10 Ajlouny (“Mr. Ajlouny”); Hector Martin (“Mr. Martin”); Dale Menghe (“Mr. Menghe”); Scott  
11 Schlein (“Mr. Schlein”); Auguste Shastry (“Mr. Shastry”); Nicholas Colvin (“Mr. Colvin”);  
12 Jason Markwith (“Mr. Markwith”); Brian Watson (“Mr. Watson”); Shane Gonzales (“Mr.  
13 Gonzalez”); Katherine Stahl (“Ms. Stahl”); Mike Nelson (“Mr. Nelson”); Brandon Steadman  
14 (“Mr. Steadman”); Bryant Miller (“Mr. Miller”); Hong Moon (“Mr. Moon”); Matthew Gouge  
15 (“Mr. Gouge”); Nicholaus Wooderson (“Mr. Wooderson”); Carlos Welch (“Mr. Welch”); Ariel  
16 Reid (“Mr. Reid”); Dan Mayer (“Mr. Mayer”); Anthony Giglini (“Mr. Giglini”); Ryan Jaconetti  
17 (“Mr. Jaconetti”); Ariel Cris Manipula (“Mr. Manipula”); Trenton Sidener (“Mr. Sidener”);  
18 James John O’Connor (“Mr. O’Connor”); Patrick Vang (“Mr. Vang”); Marcus Davis (“Mr.  
19 Davis”); Adam Cohen (“Mr. Cohen”); Derick Cole (“Mr. Cole”); Aaron McCormick (“Mr.  
20 McCormick”); Brennen Alexander Cook (“Mr. Cook”); Michael Phonesavnh Rasphone (“Mr.  
21 Rasphone”); Benjamin Teng (“Mr. Teng”); Scott Sorenson (“Mr. Sorenson”); Anthony  
22 Hugenberg (“Mr. Hugenberg”); and Billy Joe Messimer (“Mr. Messimer”) (collectively, the  
23 “Plaintiffs,” with each sometimes being known as a “Plaintiff”), by and through counsel, The  
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1 VerStandig Law Firm, LLC, and respectfully suggest this Honorable Court deny as moot the  
2 motions to dismiss the Plaintiffs' complaint (the "Original Complaint")<sup>1</sup> filed by against Michael  
3 L. Postle ("Mr. Postle") (DE #38), King's Casino, LLC d/b/a Stones Gambling Hall ("Stones")  
4 (DE #31) and Justin F. Kuraitis ("Mr. Kuraitis") (DE #33), and in support thereof state as  
5 follows:  
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7 Following the filing of motions to dismiss by Stones and Messrs. Postle and Kuraitis, the  
8 Plaintiffs docketed a first amended complaint (the "FAC," as found at DE #40). Consistent with  
9 governing law, the FAC renders moot the pending motions to dismiss. *See, e.g., Ramirez v.*  
10 *County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) ("Because the Defendants'  
11 motion to dismiss targeted the Plaintiff's First Amended Complaint, which was no longer in  
12 effect, we conclude that the motion to dismiss should have been deemed moot before the district  
13 court granted it."); *Miller v. Yokohama Tire Corp.*, 358 F.3d 616, 619 (9th Cir. 2004) ("Judge  
14 Wilson presided over a previously scheduled hearing on the original motion to dismiss and  
15 denied the motion as moot in light of the amended complaint."); *Multifamily Captive Group,*  
16 *LLC v. Assurance Risk Managers, Inc.*, 578 F. Supp. 2d 1242, 1245 (E.D. Cal. 2008)  
17 ("Thereafter, on May 15, 2008, an amended complaint was filed, adding plaintiff Gumenick as a  
18 party to the action and rendering defendant's prior motion to dismiss moot."); *Soong v. Chevy*  
19 *Chase Bank*, 2011 WL 13223892, at \*1 (C.D. Cal. 2011) ("SLS's Motion to Dismiss Plaintiff's  
20 FAC would become moot once Plaintiff files her forthcoming Second Amended Complaint.")  
21 (citing *Doe v. Unocal Corp.*, 27 F. Supp. 2d 1174, 1180 (C.D. Cal. 1998)); *Johnson v. Patel,*  
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26 <sup>1</sup> Not all Plaintiffs were parties to this suit at the time the Original Complaint was filed.

1 2020 WL 550194, at \*1 n.4 (E.D. Cal. 2020) (“In light of the amended complaint, Anil’s motion  
2 to dismiss was denied as moot.”).

3 The Plaintiffs realize Stones and Messrs. Postle and Kuraitis are free, of course, to seek  
4 dismissal of the FAC on the same, similar, or additional grounds (just as they are free to file an  
5 answer and forego motions practice should they so wish). Should any of these defendants elect to  
6 seek dismissal of the FAC, the Plaintiffs will look forward to responding in due course. For the  
7 time being, however, it is respectfully suggested the pending motions to dismiss are rendered  
8 moot by virtue of the FAC.  
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12 Dated this 29th day of March, 2020.

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15 Respectfully Submitted,

16 **THE VERSTANDIG LAW FIRM, LLC**

17 By: /s/ Maurice B. VerStandig  
18 Maurice B. VerStandig (*pro hac vice*)  
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Henderson, Nevada 89012  
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*Counsel for the Plaintiffs*

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23  
24  
25 **[CERTIFICATE OF SERVICE ON FOLLOWING PAGE]**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of March, 2020, I caused a true and correct copy of the foregoing to be served upon the following persons via this Honorable Court's CM/ECF system:

Michael L. Lipman, Esq.  
Karen Lehmann Alexander, Esq.  
Duane Morris LLP  
750 B Street  
Suite 2900  
San Diego, CA 92101  
*Counsel for King's Casino, LLC*

Heather U. Guerena, Esq.  
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Mark Mao, Esq.  
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San Francisco, CA 94104  
*Counsel for King's Casino, LLC*

Richard Pachter, Esq.  
Law Offices of Richard Pachter  
555 University Avenue, Suite 200  
Sacramento, CA 95825  
*Counsel for Justin Kuraitis*

I further certify that I have caused a true and accurate copy of the foregoing to be served on the following person via United States Mail, postage prepaid:

Michael L. Postle  
3724 Deerwalk Way  
Antelope, California 95843

/s/ Maurice B. VerStandig  
Maurice B. VerStandig