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*Attorneys for Defendants Rob Bonta, Karen Ross,*  
7 *and Erica Pan, in their Official Capacities*

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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
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13 **TRIUMPH FOODS, LLC,**  
14 **Plaintiff,**  
15 **v.**  
16 **ROB BONTA, in his official capacity**  
**as Attorney General of California,**  
17 **KAREN ROSS, in her official**  
**capacity as Secretary of the**  
18 **California Department of Food and**  
**Agriculture, and ERICA PAN, in her**  
19 **official capacity as Director of the**  
20 **California Department of Public**  
**Health,**  
21 **Defendants.**

Case No. 2:25-cv-09063-CAS-AJRx

**DEFENDANTS' NOTICE OF  
MOTION AND MOTION TO  
DISMISS**

Date: January 5, 2025  
Time: 10:00 a.m.

Courtroom: 8B (8th Floor)  
Judge: Hon. Christina A. Snyder  
Trial Date: Not Set  
Action Filed: September 23, 2025

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1 **TO THE COURT, PLAINTIFF, AND PLAINTIFF’S ATTORNEYS OF**  
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that on January 5, 2025, at 10:00 a.m., Defendants  
4 Rob Bonta, in his official capacity as Attorney General of California; Karen Ross,  
5 in her official capacity as Secretary of the California Department of Food and  
6 Agriculture; and Erica Pan, in her official capacity as Director of the California  
7 Department of Public Health (collectively, Defendants), will move for an order  
8 dismissing the Complaint of Plaintiff Triumph Foods, LLC. Defendants brings this  
9 motion under Federal Rule of Civil Procedure 12(b)(6) on the following grounds:

- 10 1) The Federal Meat Inspection Act does not preempt Proposition 12 (First  
11 and Second Causes of Action);
- 12 2) The Complaint’s claims brought under 42 U.S.C. § 1983 are time-barred  
13 by the applicable statute of limitations (Third, Fourth, and Fifth Causes of Action);
- 14 3) The Complaint does not plausibly allege a violation of the Commerce  
15 Clause (Third Cause of Action);
- 16 4) The Complaint does not plausibly allege a violation of the Due Process  
17 Clause (Fourth Cause of Action); and
- 18 5) The Complaint does not plausibly allege a violation of the Import-Export  
19 Clause (Fifth Cause of Action).

20 The motion is based on this notice, the accompanying Memorandum of Points  
21 and Authorities, the accompanying Request for Judicial Notice, all pleadings and  
22 papers on file, and such additional argument as may be presented at oral argument,  
23 if requested by the Court.

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Dated: December 1, 2025

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
ANNA FERRARI  
Supervising Deputy Attorney General

/s/ James R. Bowen

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JAMES R. BOWEN  
Deputy Attorney General  
*Attorneys for Defendants Rob Bonta,  
Karen Ross, and Erica Pan, in their  
Official Capacities*

### CERTIFICATE OF SERVICE

Case Name: **Triumph Foods, LLC v. Rob Bonta, et al.** Case No. **2:25-cv-09063-CAS-AJRx**

I hereby certify that on December 1, 2025, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct, and that this declaration was executed on December 1, 2025, at Los Angeles, California.

\_\_\_\_\_  
Linda Zamora  
Declarant

\_\_\_\_\_  
  
Signature