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6 Attorneys for Defendant  
7 AT&T MOBILITY SERVICES, LLC

8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**

10  
11 LUIS M. SALAS RAZO, on his own behalf  
and on behalf of all others similarly situated,

12 Plaintiff,

13 vs.

14 AT&T MOBILITY SERVICES, LLC, a  
15 Delaware Corporation; and Does 1 through  
100, inclusive,

16 Defendants.  
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19  
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CASE NO. 1:20-CV-00172-NONE-JDP

**DEFENDANT AT&T MOBILITY  
SERVICES, LLC'S RULE 12(B)(6)  
MOTION TO DISMISS; OR, IN THE  
ALTERNATIVE, STAY LITIGATION**

Date: September 15, 2020  
Time: N/A (Per ECF No. 4-1)  
Courtroom: N/A (Per ECF No. 4-1)

Assigned Judge: NONE  
Assigned Mag. Judge: Hon. Jeremy D.  
Peterson

Complaint filed: August 27, 2019  
Removed: January 31, 2020

1 Pursuant to Federal Rules of Civil Procedure 12(b)(6), Defendant AT&T Mobility  
2 Services, LLC (“Defendant” or “AT&T”) hereby moves to dismiss the Second Amended  
3 Complaint filed by Plaintiff Luis M. Salas Razo (“Plaintiff” or “Razo”) in the U.S. District Court  
4 for the Eastern District of California, on July 30, 2020; or, in the alternative, stay this litigation  
5 pending the completion of *NATASHA AYALA, on behalf of herself and all others similarly*  
6 *situated, Plaintiff, vs. AT&T MOBILITY SERVICES, LLC, a Delaware Limited Liability*  
7 *Company; and DOES 1 THROUGH 100, inclusive*, U.S.D.C., C.D. Cal., Case No. 2:18-cv-  
8 08809-SVW-MRW (“Ayala”).

9 Many of the documents Razo incorporates by reference contradict many of the factual  
10 allegations forwarded in his Second Amended Complaint. And what factual arguments remain  
11 are either threadbare, and thus cannot survive a motion to dismiss, or fail as a matter of law.  
12 Alternatively, if the Court chooses not to dismiss the Second Amended Complaint in its  
13 entirety, AT&T moves to stay this litigation. Natasha Ayala filed a nearly identical class action  
14 against AT&T over a year before Razo commenced this case. The principles of federal comity  
15 and equity enshrined in the “first to file” rule justify a stay. Thus, for the reasons set forth in the  
16 attached memorandum of law, Defendant respectfully requests that the Court dismiss the Second  
17 Amended Complaint in its entirety; or, in the alternative, stay this litigation pending the  
18 completion of *Ayala*.

19 This Motion is based upon this Notice of Motion and Motion, the attached Memorandum  
20 of Law, the pleadings and papers previously filed with the Court for this matter, and upon such  
21 other evidence and argument as may be presented to the Court. Please take notice that, pursuant  
22 to this Court’s Standing Order in Light of Ongoing Judicial Emergency in the Eastern District of  
23 California (ECF No. 4-1), this motion will be deemed submitted upon the record and briefs, and  
24 no hearing will be held absent a Court order stating otherwise. However, the “hearing date” of  
25 September 15, 2020, will govern the opposition and reply filing deadlines.

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1 DATED: August 13, 2020

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By: /s/ Raymond W. Bertrand  
RAYMOND W. BERTRAND

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Attorneys for Defendant  
AT&T MOBILITY SERVICES, LLC

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