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14	IINITED STATES I	NISTRICT COURT			
15	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION				
16	SHEET METAL WORKERS' NATIONAL	Case No.: 3:20-cv-04737-RS			
	SHEET METAL WORKERS' NATIONAL PENSION FUND and INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL	Case No.: 3:20-cv-04737-RS DEFENDANTS' NOTICE OF MOTION			
16	SHEET METAL WORKERS' NATIONAL PENSION FUND and INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL NO. 710 PENSION FUND, individually and as Lead Plaintiffs on behalf of all others similarly	Case No.: 3:20-cv-04737-RS DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS THE AMENDED CLASS ACTION			
16 17	SHEET METAL WORKERS' NATIONAL PENSION FUND and INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL NO. 710 PENSION FUND, individually and as Lead Plaintiffs on behalf of all others similarly situated, and	Case No.: 3:20-cv-04737-RS DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS THE AMENDED CLASS ACTION COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES IN			
16 17 18	SHEET METAL WORKERS' NATIONAL PENSION FUND and INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL NO. 710 PENSION FUND, individually and as Lead Plaintiffs on behalf of all others similarly	Case No.: 3:20-cv-04737-RS DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS THE AMENDED CLASS ACTION COMPLAINT; MEMORANDUM OF			
16 17 18 19	SHEET METAL WORKERS' NATIONAL PENSION FUND and INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL NO. 710 PENSION FUND, individually and as Lead Plaintiffs on behalf of all others similarly situated, and INTERNATIONAL UNION OF OPERATING ENGINEERS PENSION FUND OF EASTERN PENNSYLVANIA AND DELAWARE,	Case No.: 3:20-cv-04737-RS DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS THE AMENDED CLASS ACTION COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES IN			
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NOTICE OF MOTION AND MOTION

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 22, 2021, at 1:30 p.m., or at such other time as the matter may be heard, in the courtroom of the Honorable Richard Seeborg, located at 450 Golden Gate Avenue, San Francisco, California, Courtroom 3, 17th Floor, attorneys for defendants Bayer Aktiengesellschaft, Werner Baumann, Werner Wenning, Liam Condon, Johannes Dietsch, and Wolfgang Nickl will, and hereby do, move to dismiss plaintiffs' amended class action complaint (the "Complaint") (Dkt. No. 47) pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, as well as the Private Securities Litigation Reform Act of 1995.

The motion is based upon this notice and the accompanying memorandum of points and authorities, the accompanying declaration of John F. Lynch and the exhibits submitted therewith, the accompanying request for consideration and judicial notice, the reply brief that will be filed, the papers on file in the action, the argument of counsel, and such other matters as may be considered by the Court before it takes the motion under submission.

ISSUES TO BE DECIDED

- 1. Whether plaintiffs' claim under Section 10(b) of the Securities Exchange Act of 1934 should be dismissed for failure to plead falsity, scienter, and loss causation.
- 2. Whether plaintiffs' claim under Section 20(a) of the Exchange Act should be dismissed because the Section 10(b) claim fails.



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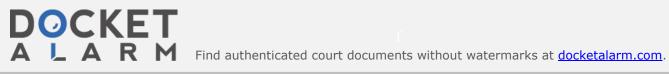


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