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11 Attorneys for Defendant BURGER KING CORPORATION

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 AZMAN HUSSAIN, individually and on behalf
16 of all others similarly situated,

17 Plaintiff,

18 v.

19 BURGER KING CORPORATION,

20 Defendant.
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Case No. 4:22-cv-02258-HSG

**DEFENDANT BURGER KING
CORPORATION'S NOTICE AND MOTION
TO DISMISS AND MEMORANDUM IN
SUPPORT**

Date: January 26, 2023

Time: 2:00 pm

Dept.: Courtroom 2 – 4th Floor

Judge: Honorable Haywood S. Gilliam, Jr.

1 **NOTICE OF MOTION AND MOTION TO DISMISS**

2 TO PLAINTIFF AND HIS ATTORNEY OF RECORD:

3 PLEASE TAKE NOTICE that on January 26, 2023, at 2:00 pm, or as soon thereafter as the
4 matter may be heard, before the Honorable Haywood S. Gilliam, Jr., in Courtroom 2, 4th Floor,
5 Defendant Burger King Corporation (“Burger King”) will and hereby does move to dismiss Plaintiff
6 Azman Hussain’s (“Plaintiff”) Amended Complaint (Dkt. 13) filed in this action pursuant to Federal
7 Rules of Civil Procedure 12(b)(1) for lack of standing and 12(b)(6) for failure to state a claim upon which
8 relief can be granted.

9 This Motion to Dismiss is submitted in the alternative if the Court denies Defendants’
10 contemporaneously-submitted Motion to Compel Arbitration or Transfer.

11 This Motion to Dismiss is based upon this Notice of Motion and Motion, the Memorandum of
12 Points and Authorities in support thereof, all other pleadings and papers on file herewith, and such other
13 argument and evidence as may be presented to the Court.

14 Dated: July 25, 2022

15 Respectfully submitted,

16 WEIL, GOTSHAL & MANGES LLP

17 By: /s/ David R. Singh
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Attorneys for Defendant BURGER KING
CORPORATION

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