

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re: Clearview AI, Inc., Consumer Privacy
Litigation

Case No: 1:21-cv-135

Judge Sharon Johnson Coleman

Magistrate Judge Maria Valdez

**MEMORANDUM IN SUPPORT OF DEFENDANT MACY’S RETAIL HOLDINGS,
INC.’S MOTION TO DISMISS THE CONSOLIDATED COMPLAINT PURSUANT TO
F.R.C.P. 12(B)(1) AND 12(B)(6)**

Defendant, Macy’s Retail Holdings, Inc. (“Macy’s”)¹ submits this memorandum in support of its Motion to Dismiss the Consolidated Complaint (“Complaint”) pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) (the “Motion”), for reasons stated below.

¹ The Consolidated Class Action Complaint named Macy’s Retail Holdings, Inc. Dkt. 29 ¶ 18. On June 25, 2021, Plaintiffs sought leave to amend to add a plaintiff and to clarify that “Macy’s, Inc. — not Macy’s Retail Holdings, Inc. — is the defendant against whom the consolidated multidistrict complaint is alleged.” Dkt. 109. However, as Macy’s previously explained, the real party in interest is actually Macy’s Retail Holdings, LLC. *See* Dkt. 57 at 1 n.1.

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