

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Framework MI, Inc.,

Plaintiff,

v.

CVS Health Corporation; CVS Pharmacy, Inc.;
Caremark RX, LLC; ProCare Pharmacy, LLC
d/b/a Encompass RX

Defendants.

Civ. Action No.

1:20-cv-00907 (NRB)

**NOTICE OF MOTION TO
DISMISS PLAINTIFF'S FIRST
AMENDED COMPLAINT**

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Michael Dixon, dated September 3, 2020, with exhibits, Defendants CVS Health Corporation, CVS Pharmacy, Inc., Caremark RX, LLC, and ProCare Pharmacy, LLC d/b/a Encompass RX will respectfully move this Court, before the Honorable Naomi R. Buchwald, United States District Judge for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, for an order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing Counts I, II, III and V of Plaintiff Framework MI, Inc.'s First Amended Complaint, dated May 27, 2020 [Dkt. No. 31], for failure to state a claim, together with such other and further relief as the Court deems just and proper.

Dated: September 4, 2020

Respectfully Submitted,

By: /s/ Andrew M. Zeitlin

Andrew M. Zeitlin

Shipman & Goodwin LLP

300 Atlantic Street, 3rd Floor

Stamford, CT 06901-3522

Telephone: (203) 324-8100

Facsimile: (203) 324-8199

Email: azeitlin@goodwin.com

Glenn M. Cunningham (*pro hac vice*)

Shipman & Goodwin LLP

One Constitution Plaza

Hartford, CT 06103

Telephone: 860-251-5000

Facsimile: 860-251-5099

Email: gcunningham@goodwin.com

Attorneys for the Defendants