

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JAMES PRATER, individually and on behalf of
all others similarly situated,

Plaintiff,

-vs-

ARIZONA BEVERAGES USA LLC,

Defendant.

Case No. 1:20-cv-09108 (GBD)

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

(Oral Argument Requested)

PLEASE TAKE NOTICE that defendant, Arizona Beverages USA LLC (“Defendant”), by and through its undersigned counsel, shall move before the above-named Court, before the Honorable George B. Daniels, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 11A, New York, New York 10007, on a return date to be set by the Court, for an Order: (1) dismissing Plaintiff’s First Amended Complaint (Dkt. No. 17) pursuant to Fed. R. Civ. P. 12(b)(6) and Fed. R. Civ. P. 12(b)(1); and (2) granting all other relief this Court deems just and proper.

Dated: May 14, 2021

Respectfully submitted,

/s/ Robert P. Donovan

Robert P. Donovan, Esq.
(Admitted Pro Hac Vice)

STEVENS & LEE
669 River Drive, Suite 201
Elmwood Park, New Jersey 07407
Telephone: (201) 857-6760
Facsimile: (201) 857-6761
robert.donovan@stevenslee.com
Attorneys for Defendant,
Arizona Beverages USA LLC

TO:

Via ECF and E-Mail

Spencer Sheehan, Esq.
Sheehan & Associates, P.C.
60 Cuttermill Road, Suite 409
Great Neck, New York 11021-5101
Attorneys for Plaintiff, James Prater