

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)

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