

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION

OPEN RIVERS MEDIA GROUP INC.)
 D/B/A OPEN RIVERS PICTURES,)
 ALVIN WILLIAMS, AND TAMMY)
 WILLIAMS,)
)
 Plaintiffs,)
)
 v.)
)
 SOUTHERN FILM REGIONAL)
 CENTER LLC, DOMINIC “NIC”)
 APPLGATE, GATE INDUSTRIES LLC,)
 MAURICE ANDERSON, RATLIFF)
 ENTERTAINMENT LLC, AND)
 THEOPHALUS RATLIFF,)
)
Defendants.)

CIVIL ACTION
 NO. 1:15-cv-00724-SCJ

DEFENDANTS’ MOTION TO DISMISS PLAINTIFFS’
FIRST AMENDED COMPLAINT AS A
“SHOTGUN PLEADING,” PURSUANT TO FED. R. CIV. P. 12(b)(6)

Defendants hereby move to dismiss Plaintiffs’ First Amended Complaint (the “FAC”) [Doc. No. 25], pursuant to Fed. R. Civ. P. 12(b)(6) because it is an improper “shotgun pleading,” as was Plaintiffs’ initial Complaint [Doc. No. 1]. Plaintiffs have therefore failed to correct the fatal deficiencies that the Court found in the Complaint in its Order of November 12, 2015 [Doc. No. 24]. Specifically, the FAC is also a “shotgun pleading” because it fails to specify the particular allegations that support

each of the eleven counts alleged in the FAC. As explained in more detail in Defendants' supporting brief, filed herewith, the FAC, like the Complaint, includes counts that incorporate by reference the initial 64 paragraphs of the FAC and then follow up that general incorporation of paragraphs with additional allegations that add no specificity, because they are verbatim copies of previously asserted allegations, conclusory allegations of wrongdoing, and/or general statements of law.

In addition to this Motion, Defendants are contemporaneously filing a Motion to Dismiss the federal and state RICO counts alleged in Counts II and III of the FAC. Because that companion Motion also demonstrates that these counts were pled in an improper "shotgun" manner, Defendants hereby incorporate by reference that companion Motion and supporting Brief.

WHEREFORE, Defendants respectfully request that the Court dismiss the FAC with prejudice because it, like the Complaint, is a "shotgun pleading."

Respectfully submitted this 4th day of January, 2016.

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Counsel for Defendants

CERTIFICATE OF SERVICE

I have this day filed the foregoing **Defendants’ Motion to Dismiss Plaintiffs’ First Amended Complaint as a “Shotgun Pleading,” Pursuant to Fed. R. Civ. P. 12(b)(6)** using the CM/ECF system and served a copy of same upon all parties to this matter by depositing a true and correct copy of the same via regular mail, addressed as follows:

Daniel Kane
Daniel Kane, P.C. & Associates
133 Nassau Street
Atlanta, GA 30303

Christopher L. Brown
Brown & Rosen LLC
100 State Street, Ste. 900
Boston, MA 02109

This 4th day of January, 2016.

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