

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.)

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

SOUTHERN FILM REGIONAL)
CENTER LLC, DOMINIC “NIC”)
APPLEGATE, GATE INDUSTRIES LLC,)
MAURICE ANDERSON, RATLIFF)
ENTERTAINMENT LLC, AND)
THEOPHALUS RATLIFF,)
)
)
Defendants.)

**DEFENDANTS’ MOTION TO DISMISS THE RICO CLAIMS IN
COUNTS II AND III OF PLAINTIFFS’ FIRST AMENDED COMPLAINT,
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Defendants hereby move to dismiss Plaintiffs’ the RICO counts alleged in Counts II and III of Plaintiffs First Amended Complaint (the “FAC”) [Doc. No. 25]. Plaintiffs’ RICO claims are deficient because Plaintiffs have failed properly to allege a “pattern of racketeering activity” or an “enterprise” and because Plaintiffs lack standing to assert those claims, as pleaded.

Defendants file this Motion in the alternative to their contemporaneously filed Motion to Dismiss the FAC as another “shotgun pleading”—in the event that the Court does not find that the entire FAC is a “shotgun pleading.” Furthermore, Defendants have incorporated this Motion into their companion Motion to Dismiss the FAC as a “shotgun pleading,” because the deficiencies that require dismissal of the RICO counts also show that Plaintiffs have drafted them in an impermissible “shotgun” manner.

WHEREFORE, Defendants respectfully request that, if the Court does not dismiss the entire FAC as a “shotgun pleading,” that the Court dismiss the RICO claims asserted in Counts II and III of the FAC, for the reasons stated in the accompanying Brief filed herewith in support of this Motion.

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 the RICO Claims in Counts II and III of Plaintiffs' First Amended, 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
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This 4th day of January, 2016.

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