

UNITED STATES DISTRICT COURT  
FOR THE 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 PLAINTIFFS’ COMPLAINT FOR  
FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE  
GRANTED PURSUANT TO FED. R. CIV. P. 12(B)(6)**

Defendants file this Motion to Dismiss Plaintiffs’ Complaint for Failure to State a Claim upon Which Relief Can Be Granted, pursuant to Fed. R. Civ. P. 12(b)(6).

Plaintiffs’ Complaint [Dkt #1] is an improper and “fatally defective” “shotgun pleading.” *See, e.g., Guthrie v. Wells Fargo Home Mortg. Ass’n NA*, No. 1:13-CV-4226-RWS-LTW, 2014 U.S. Dist. LEXIS 102777 (N.D. Ga. July 7, 2014), \*19. This is because Plaintiffs have not attempted to specify with any

particularity which allegations support each of the 10 counts pled in the Complaint. The Complaint is even more confusing and improper because Plaintiffs have referred to groups of Defendants in a matter that makes it impossible to know which Defendant(s) is or are the subject of the allegations and claims stated in the Complaint.

WHEREFORE, Defendants respectfully request that the Court dismiss Plaintiffs' improper Complaint, pursuant to Fed. R. Civ. P. 12(b)(6).

Respectfully submitted this 3<sup>rd</sup> day of April, 2015.

**LEWIS BRISBOIS BISGAARD  
& SMITH, LLP**

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/s/ Thomas C. Grant  
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Georgia State Bar No. 297455  
*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I have this day filed the foregoing **Defendants' Motion to Dismiss Plaintiffs' Complaint for Failure to State a Claim upon Which Relief Can Be Granted 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 3<sup>rd</sup> day of April, 2015.

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