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 6 DAVID J. FIGULI and
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 d/b/a HIGHER EDUCATION GROUP

8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA**

11 SOUTHERN CALIFORNIA
 12 INSTITUTE OF LAW, a California
 corporation,

13 Plaintiff,

14 vs.

15 TCS EDUCATION SYSTEM, an Illinois
 16 corporation; DAVID J. FIGULI, an
 individual; and GLOBAL EQUITIES,
 17 LLC d/b/a HIGHER EDUCATION
 GROUP, a Colorado limited liability
 18 company,

19 Defendants.

Case No. CV10-8026 JAK (AJWx)
 (Assigned to the Hon. John A.
 Kronstadt)

DEFENDANTS DAVID J. FIGULI
 AND GLOBAL EQUITIES, LLC
 d/b/a HIGHER EDUCATION
 GROUP'S NOTICE OF MOTION
 AND MOTION TO DISMISS
 PORTIONS OF PLAINTIFF'S FIRST
 AMENDED COMPLAINT
 PURSUANT TO F.R.C.P. 12(b)(6)

Complaint Filed: October 25, 2010
 Trial Date: TBD

Judge: Hon. John A. Kronstadt
 Hearing Date: August 8, 2011
 Hearing Time: 1:30 p.m.
 Hearing Dept.: 750

22 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that on August 8, 2011 at 1:30 p.m. or as soon
 24 thereafter as the matter may be heard in Department 750 of the above-named court,
 25 located at the Roybal Federal Building, 255 East Temple Street, Los Angeles, CA
 26 90012, Defendants David J. Figuli and Global Equities, LLC dba Higher Education
 27 Group ("Defendants") will and hereby do move the Court for an order to dismiss the
 28 Third, Fourth and Fifth Claims for Relief of Plaintiff's First Amended Complaint

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DAVID J. FIGULI AND GLOBAL EQUITIES, LLC d/b/a HIGHER EDUCATION GROUP'S NOTICE OF
 MOTION & MOTION TO DISMISS PORTIONS OF PL.'S FIRST AM. COMPLAINT (F.R.C.P. 12(b)(6))

1 (“FAC”) pursuant to Federal Rule of Civil Procedure 12(b)(6).

2 Defendants bring this motion due to the failure of Plaintiff’s FAC to state a
3 claim for which relief can be granted, on the grounds that:

4 1. As a matter of law, Plaintiff’s Third Claim for Relief for
5 Misappropriation of Trade Secrets fails to state sufficient facts to establish a cause of
6 action, a defect that cannot be cured by amendment.

7 2. As a matter of law, Plaintiff’s Fourth Claim for Relief for Tortious
8 Interference with Contract fails to state sufficient facts to establish a cause of action,
9 a defect that cannot be cured by amendment.

10 3. As a matter of law, Plaintiff’s Fifth Claim for Relief for violation of the
11 Unfair Competition Law fails to state sufficient facts to establish a cause of action, a
12 defect that cannot be cured by amendment.

13 This Motion to Dismiss is and will be based upon this Notice, the
14 accompanying Memorandum of Points and Authorities, any Reply, and any oral
15 argument that may be presented at the hearing on this matter.

16 This Motion to Dismiss is made following the conference of counsel pursuant
17 to L.R. 7-3 which took place on June 3, 2011, as well as the parties’ Rule 26(f)
18 conference which took place on June 16, 2011. The parties were unable to reach
19 agreement on the issues raised in the instant motion.

20 Dated: June 27, 2011

STRAZULO FITZGERALD LLP

21
22 By /s/ Cody Jaffe
23 Maurice Fitzgerald
24 Cody Jaffe
25 Attorneys for Defendants David J. Figuli
26 and Global Equities, LLC d/b/a Higher
27 Education Group

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