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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BEAUTY WEAPONS, LLC, et al.,

No. C 12-5383 MMC

Plaintiffs,

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION TO DISMISS**

v.

JOHN GENNARO,

Defendant.

Before the Court is defendant John Gennaro's motion, filed February 4, 2013, to dismiss plaintiffs' first amended complaint. The matter came on regularly for hearing March 15, 2013. Mark R. Meyer of Losch & Ehrlich appeared on behalf of plaintiffs. Stephen L. Davis of Davis & Leonard, LLP appeared on behalf of defendant. The Court having read and considered the parties' respective written submissions and having considered the arguments of counsel, and for the reasons stated on the record at the hearing, the motion to dismiss is hereby GRANTED in part and DENIED in part as follows:

1. To the extent the motion seeks dismissal of the First, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Twelfth, Thirteenth, and Fourteenth Claims, the motion is hereby GRANTED, and said claims are hereby DISMISSED with leave to amend.

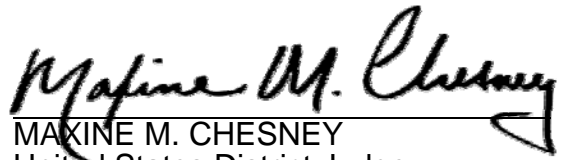
2. To the extent the motion seeks dismissal of the claim for injunctive relief pleaded in the Tenth Claim, the motion is hereby GRANTED, and said claim is hereby DISMISSED without prejudice.

1 3. To the extent the motion seeks dismissal of the Second and Eleventh Claims,
2 and of the claim for declaratory relief pleaded in the Tenth Claim, the motion is hereby
3 DENIED.

4 4. Plaintiffs' Second Amended Complaint, if any, shall be filed no later than April 5,
5 2013.

6 **IT IS SO ORDERED.**

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8 Dated: March 15, 2013


MAXINE M. CHESNEY
United States District Judge

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