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9 Attorneys for Defendant Anheuser-Busch, Inc.

10
 11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 _____)
 14 UNITED BRANDS COMPANY, INC.)
)
 15 Plaintiff)
)
 16 v.)
)
 17 ANHEUSER-BUSCH, INC.)
 18)
 19 Defendant)
 20)
 21)
 22)
 23)
 24)
 _____)

Civil Action No. 3:10-cv-02281- BEN (WMc)

**DEFENDANT’S NOTICE OF MOTION
 AND MOTION TO STRIKE PLAINTIFF’S
 “FIRST AMENDED COMPLAINT” AS
 IMPROPER AND UNTIMELY UNDER
 FED. R. CIV. P. RULE 15(a)(1)(B)**

Hearing Date: February 22, 2011
 Time: 10:30am
 Courtroom No.: 3

1 Please take notice that on February 22, 2011, at 10:30am, or as soon thereafter as the matter
2 may be heard, Defendant Anheuser-Busch, Inc. (“A-B”) will respectfully move this Court to strike
3 Plaintiff United Brands Company, Inc.’s (“UBC”) January 6, 2011 “First Amended Complaint” on the
4 ground that it was filed in violation of Fed. R. Civ. P. Rule 15(a)(1)(B).

5
6 For the reasons set forth in the supporting Memorandum filed concurrently herewith, A-B
7 respectfully requests the Court to strike UBC’s First Amended Complaint as untimely and to vacate the
8 Order entered on January 10, 2011 denying A-B’s Rule 12(b)(6) motion to dismiss as moot.

9 Respectfully submitted,

10
11 Dated: January 11, 2011

/s/ Bobby A. Ghajar
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15 and

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20 Attorneys for Defendant
21 Anheuser-Busch, Inc.

1 Certificate of Service

2 I hereby certify that on January 11, 2011, I electronically filed the following documents with
3 the Clerk of the Court for the United States District Court for the Southern District of California by
4 using the CM/ECF system:

5 **DEFENDANT’S NOTICE OF MOTION AND MOTION TO STRIKE**
6 **PLAINTIFF’S “FIRST AMENDED COMPLAINT” AS IMPROPER AND UNTIMELY**
7 **UNDER FED. R. CIV. P. RULE 15(a)(1)(B)**

8 The participants listed below in the case who are “active” registered CM/ECF users will be
9 served by the CM/ECF system:

10 Nancy O. Dix, Esq.
11 DLA Piper LLP (US)
12 401 B. Street, Suite 1700
13 San Diego, California 92101-4297

14 I declare that I am employed by a member of the Bar of this Court, at whose direction this
15 service was made.

16 Dated: January 11, 2011

17 /s/ Bobby A. Ghajar
18 Bobby A. Ghajar