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12 *Attorneys for Defendant Victor Willis*

13 UNITED STATES DISTRICT COURT
 14 SOUTHERN DISTRICT OF CALIFORNIA

15 SCORPIO MUSIC (BLACK SCORPIO) S.A. and
 16 CAN'T STOP PRODUCTIONS, INC.

17 Plaintiffs,

18 vs.

19 VICTOR WILLIS

20 Defendant.

Case No. 3:11-CV-01557-BTM (RBB)

**NOTICE OF MOTION AND
 MOTION TO DISMISS THE
 COMPLAINT**

Date: November 18, 2011
 Time: 11:00 a.m.
 Courtroom: 15 – Fifth Floor
 Judge: Hon. Barry T. Moskowitz

**NO ORAL ARGUMENT UNLESS
 REQUESTED BY COURT**

1 **PLEASE TAKE NOTICE** that upon the annexed Declaration of Brian D. Caplan, and the
2 exhibits annexed thereto, the accompanying Memorandum of Points and Authorities, and all prior
3 pleadings and proceedings herein, Defendant Victor Willis, by and through his counsel of record,
4 Scott+Scott LLP and Caplan & Ross, LLP, will move this Court on November 15, 2011, at 11:00
5 a.m., before the Honorable Barry Moskowitz in Courtroom 15 of the United States District Court for
6 the Southern District of California, pursuant to Rule 12(b)(6) of the Federal Rules of Civil
7 Procedure, (i) dismissing the Complaint in its entirety with prejudice, and without leave to amend,
8 on the grounds of failure to state a cause of action upon which relief can be granted; and (ii) for such
9 other and further relief that to this Court seems just, proper and equitable.

10 **PLEASE TAKE FURTHER NOTICE** that, pursuant to CivLR 7.1(e)(2), opposition
11 papers, if any, are to be filed and served not later than 14 calendar days prior to the noticed hearing.

12
13 DATED: September 26, 2011

Respectfully Submitted,

SCOTT+SCOTT LLP

/s/ Walter W. Noss
WALTER W. NOSS

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