

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRAIN JOHNSTON & NILE CHARLES

Plaintiff,

11 CV 3321 (JSR)

- against-

APPLE INC. & OMNISCIENT INVESTIGATION
CORP.,

Defendants.

**NOTICE OF MOTION
FOR JUDGMENT PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 12(B)(6).**

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**NOTICE OF MOTION FOR JUDGMENT PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 12(B)(6)**

PLEASE TAKE NOTICE that upon the accompanying memoranda of law; the August 10, 2011 Declaration of David L. Metzger in Support of defendant, Omniscient Investigation Corp.’s (“Omniscient”) Motion to Dismiss the Second Amended Complaint pursuant to Federal Rule of Civil Procedure Rule 12(b)(6); and the exhibits submitted in connection therewith, the defendant, Omniscient, will move this Court in Courtroom 14B of the United States Courthouse, 500 Pearl Street, New York, New York, on September 2, 2011 at 4:30 p.m. for an Order, pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing all causes of action alleged in the Second Amended Complaint as to the defendant, Omniscient.

PLEASE TAKE FURTHER NOTICE, that pursuant to the telephone conference with the court on July 29, 2011 and the resulting motion scheduling order, Plaintiffs' answering papers, if any, are due August 19, 2011 and Defendants' Reply papers, if any, are due on August 26, 2011.

Dated: New York, New York
August 10, 2011

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of August, 2011 the following parties were served via electronic mail and via Electronic Court Filing a true copy of the defendant, Omniscient Investigation Corp.'s, Notice Of Motion For Judgment Pursuant To Federal Rule of Civil Procedure 12(B)(6)

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Dated: New York, New York
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