

AXR 11/16/01 13:18

3:01-CV-01752 BOSLEY MEDICAL V. KREMER

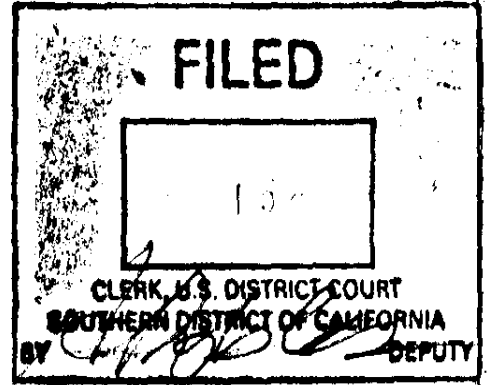
\*5\*

\*M.\*

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7 Attorneys for Michael Kremer



8  
9 UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

10 BOSLEY MEDICAL INSTITUTE, *et al.*, ) No. 01 CV <sup>1752</sup>~~1792~~  
11 )  
Plaintiffs, ) District Judge Keep  
12 )  
v. ) NOTICE OF DEFENDANT'S MOTION TO  
13 ) DISMISS AND/OR STRIKE  
MICHAEL STEVEN KREMER,, )  
14 ) DATE: December 3, 2001  
Defendant. ) TIME: 11:00 a.m.  
15 ) PLACE: Courtroom 16

16  
17  
18 Please take notice that at 11 AM on December 3, 2001, in Courtroom 16 on the Fifth Floor of  
19 the United States District Court for the Southern District of California, pursuant to Rule 12(b)(1) and  
20 12(b)(6) of the Federal Rules of Civil Procedure, and to Section 425.16 of the California Code of Civil  
21 Procedure, and based on the attached memorandum of law, and on the affidavit and exhibits  
22 previously filed in this case before it was transferred to this Court from the Northern District of  
23 Illinois, defendant Kremer will move the Court to dismiss all Counts for failure to state a claim upon  
24 which relief can be granted; to dismiss Count III for lack of subject matter jurisdiction, to dismiss  
25 Counts VII and VIII for lack of subject matter jurisdiction once the federal claims in the case are  
26 dismissed, and also to dismiss all the claims of Bosley Medical Group, S.C., for lack of standing; and

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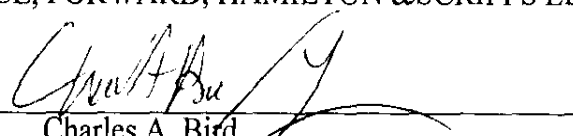
1 to strike Counts VII and VIII because they are barred by California's anti-SLAPP statute, Code of  
2 Civil Procedure Section 425.16.

3 Respectfully submitted,

4   
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18 Dated: October 17, 2001