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FUTURE GROUP, INC.

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

HIGHER BALANCE, LLC, an Oregon  
Limited Liability Company, dba the HIGHER  
BALANCE INSTITUTE,

Plaintiff,

vs.

QUANTUM FUTURE GROUP, INC., a  
California corporation, QUANTUM FUTURE  
SCHOOL, SIGNS OF THE TIMES, and  
LAURA KNIGHT-JADCZYK,

Defendants.

CASE NO. 3:08-cv-233 - HA

**Defendant Quantum Future Group, Inc.'s  
MOTION TO DISMISS FOR FAILURE  
TO STATE A CLAIM ON WHICH  
RELIEF MAY BE GRANTED**

**Pursuant to Fed. R. Civ. P. 12(b)(6)**

**(Request for Oral Argument)**

**L.R. 7.1(a) CERTIFICATE OF COMPLIANCE**

Pursuant to L.R. 7.1(a), on April 23, 2008, Stephen Kaus, counsel for defendant, spoke with plaintiff's counsel, Kevin Hughey, and requested that plaintiff dismiss its claims against

defendant for lack of personal jurisdiction and venue. The parties made a good faith effort but were unable to resolve the dispute.

### MOTION

Defendant Quantum Future Group, Inc. ("QFG") moves pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss all of plaintiff's claims against it on the ground that the complaint does not state a cause of action on which relief can be granted.

This motion raises the same issues as the anti-SLAPP motion to strike being filed concurrently, but is filed out of an abundance of caution in case the court does not reach the merits of the anti-SLAPP motion.

This motion is supported by defendant's Memorandum; the memorandum and declarations filed in support of the anti-SLAPP motion; and such other documents and files as the Court may consider.

Dated this 25<sup>th</sup> day of April, 2008.

COOPER, WHITE & COOPER LLP

By: 

Stephen Kaus (appearing *pro hac vice*)  
Attorneys for Defendant QUANTUM  
FUTURE GROUP, INC.

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