

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEPHANIE DORRIS and JOHN
AXIOTAKIS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

DANONE WATERS OF AMERICA,

Defendant.

Civil Action No. 7:22-cv-08717-NSR

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and the declaration and exhibits annexed thereto, Defendant Danone Waters of America (“Danone”), by its attorneys, DLA Piper LLP (US), will move before the Honorable Nelson S. Román, United States District Judge of the United States District Court, Southern District of New York, at The Honorable Charles L. Briant Jr. Federal Building and United States Courthouse, 300 Quarropas St., White Plains, New York 10601, on a date and time to be determined by the Court, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss with prejudice the plaintiffs’ First Amended Complaint and for such other and further relief as this Court deems just and proper. The grounds upon which Danone seeks relief are set forth in detail in the accompanying Memorandum of Law.

Dated: March 13, 2023

Respectfully submitted,

DLA Piper LLP (US)

/s/ Keara M. Gordon

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*Admission application to be filed

*Attorneys for Defendant
Danone Waters of America*

CERTIFICATE OF SERVICE

The undersigned certifies that on March 13, 2023, the foregoing Notice of Defendant Danone's Motion to Dismiss the Complaint was served via e-mail on the following counsel:

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Attorneys for the plaintiffs

Dated: March 13, 2023

/s/ Keara M. Gordon

Keara M. Gordon