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8 Attorneys for Defendant
Aqua Lung America, Inc.

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 RALPH A. HUNTZINGER, on
12 Behalf of Himself and All Others
Similarly Situated,

13 Plaintiff,

14 v.

15 AQUA LUNG AMERICA, INC.,

16 Defendant.
17

Case No. 3:15-cv-01146 WQH (KSC)

CLASS ACTION

**DEFENDANT AQUA LUNG
AMERICA INC.'S NOTICE OF
MOTION AND MOTION TO
DISMISS CLASS ACTION
COMPLAINT**

Hearing Date: August 17, 2015

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

Complaint filed: May 21, 2015

Judge: Hon. William Q. Hayes

Magistrate Judge: Hon. Karen S. Crawford

Trial Date: None Set

22 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

23 PLEASE TAKE NOTICE that on August 17, 2015, before the Honorable
24 William Q. Hayes, Defendant Aqua Lung America, Inc. will and hereby does
25 move the Court for an order dismissing all of Plaintiff Ralph A. Huntzinger's
26 claims against it for failure to state a claim upon which relief may be granted under
27 Federal Rules of Civil Procedure 12(b)(6) and striking and dismissing Plaintiff's
28

1 allegations regarding, and request for, a national class of dive computer purchasers
2 under Federal Rules of Civil Procedure 12(b)(6) and 12(f).

3 This Motion is based on this notice of motion, the memorandum of points
4 and authorities, appendix, and the declarations of John S. Worden, Mika Holappa
5 and Don Rockwell filed concurrently herewith and all exhibits herewith with all
6 exhibits thereto, the Proposed Order separately submitted, the pleadings and
7 records on file with this Court, and such evidence and argument as may be
8 presented at the hearing on this Motion.

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10 Dated: July 10, 2015

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12 Respectfully submitted,
13 SCHIFF HARDIN LLP

14 By: /s/ John S. Worden
15 John S. Worden

16 Attorneys for Defendant
17 Aqua Lung America, Inc.

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