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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
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12 ESMÉ BIANCO,

13 Plaintiff,

14 vs.

15 BRIAN WARNER a/k/a MARILYN
MANSON, individually; MARILYN
16 MANSON RECORDS, INC.,

17 Defendants.
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CASE NO. 2:21-CV-3677-FLA-MAR

**DEFENDANT BRIAN WARNER'S
NOTICE OF MOTION AND
MOTION TO DISMISS THE FIFTH
CAUSE OF ACTION IN
PLAINTIFF ESMÉ BIANCO'S
THIRD AMENDED COMPLAINT**

*Memorandum of Points and Authorities
and Proposed Order filed concurrently*

Date: February 17, 2023
Time: 1:30 p.m.
Crtrm.: 6B

The Hon. Fernando L. Aenlle-Rocha
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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on February 17, 2023, at 1:30 p.m., or as soon thereafter as this matter may be heard in the United States District Court for the Central District of California, 350 W. First Street, Courtroom 6B, Los Angeles, CA 90012, the Honorable Fernando L. Aenlle-Rocha presiding, Defendant Brian Warner (“Warner”) will and hereby does move this Court to dismiss, pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6), the fifth cause of action in the Third Amended Complaint (Dkt. No. 107, the “TAC”) of Plaintiff Esmé Bianco (“Plaintiff”) because the TAC fails to state a claim for relief.

This motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, all other papers and pleadings on file, and argument of counsel at any hearing of this motion.

Warner files this motion following a conference of counsel pursuant to Local Rule 7-3, which took place on January 9, 2023. The parties discussed Warner’s intended motion and were unable to obviate the need for this motion.

DATED: January 17, 2023 KING, HOLMES, PATERNO &
SORIANO, LLP

By: /s/ Howard E. King
HOWARD E. KING
Attorneys for BRIAN WARNER