

1 KING, HOLMES, PATERNO & SORIANO, LLP  
 HOWARD E. KING, ESQ., STATE BAR NO. 77012  
 2 JOHN G. SNOW, ESQ., STATE BAR NO. 280790  
 JACKSON S. TRUGMAN, ESQ., STATE BAR NO. 295145  
 3 JSNOW@KHPSLAW.COM  
 1900 AVENUE OF THE STARS, TWENTY-FIFTH FLOOR  
 4 LOS ANGELES, CALIFORNIA 90067-4506  
 TELEPHONE: (310) 282-8989  
 5 FACSIMILE: (310) 282-8903

6 Attorneys for Defendant  
 BRIAN WARNER

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UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ESMÉ BIANCO,  
 Plaintiff,  
 vs.  
 BRIAN WARNER a/k/a MARILYN  
 MANSON, individually; MARILYN  
 MANSON RECORDS, INC.,  
 Defendants.

CASE NO. 2:21-CV-3677-FLA-MAR  
**DEFENDANT BRIAN WARNER'S  
 NOTICE OF MOTION AND  
 MOTION TO DISMISS THE  
 FOURTH AND FIFTH CAUSES OF  
 ACTION IN PLAINTIFF ESMÉ  
 BIANCO'S SECOND AMENDED  
 COMPLAINT**

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

Date: July 1, 2022  
 Time: 1:30 p.m.  
 Crtrm.: 6B

The Hon. Fernando L. Aenlle-Rocha

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

2 PLEASE TAKE NOTICE THAT on July 1, 2022, at 1:30 p.m., or as soon  
3 thereafter as this matter may be heard in the United States District Court for the  
4 Central District of California, 350 W. First Street, Courtroom 6B, Los Angeles, CA  
5 90012, the Honorable Fernando L. Aenlle-Rocha presiding, Defendant Brian  
6 Warner (“Warner”) will and hereby does move this Court to dismiss, pursuant to  
7 Federal Rules of Civil Procedure, Rules 12(b)(1) and 12(b)(6), the fourth and fifth  
8 causes of action in the Second Amended Complaint (Dkt. No. 40, the “SAC”) of  
9 Plaintiff Esmé Bianco (“Plaintiff”) because (i) the Court lacks subject matter  
10 jurisdiction to hear these new claims, and (ii) because the SAC fails to state a claim  
11 for relief.

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

15 Warner files this motion following a conference of counsel pursuant to Local  
16 Rule 7-3, which took place on May 19, 2022. The parties discussed Warner’s  
17 intended motion and were unable to obviate the need for this motion.

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19 DATED: May 26, 2022 KING, HOLMES, PATERNO &  
20 SORIANO, LLP

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