

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

JENNIFER BARKER and SABREE)
HUTCHINSON, individually and on behalf)
of all others similarly situated,)

PLAINTIFF)

vs.)

DEFENDANTS' MOTION TO DISMISS

PATRICK COLLINS, INC.)
8015 Deering Avenue)
Canoga Park, California 91304)

CIVIL CASE NO: 3:12-cv-00372-S

and)

MALIBU MEDIA, LLC)
31356 Broad Beach Road)
Malibu, California 90265)

and)

RAW FILMS, LTD)
37 Warren Street)
London, W1t 6ad, UK)

and)

K-BEECH, INC.)
9601 Mason Avenue, Unit B)
Chatsworth, California 91311)

and)

THIRD DEGREE FILMS)
20525 Nordhoff Street, #4)
Chatsworth, CA 91311)

DEFENDANTS)

Defendants, PATRICK COLLINS, INC., MALIBU MEDIA, LLC, K-BEECH, INC., and THIRD DEGREE FILMS, INC. (collectively, "Defendants"), pursuant to Fed. R. Civ. P. 12(b)(1)-(3) and (6), hereby move for the entry of an Order dismissing the First Amended Complaint because: (1) this Court lacks subject matter jurisdiction over this case, (2) this Court lacks personal jurisdiction over Defendants, (3) venue is improper in the Western District of Kentucky, and (4) Plaintiffs have failed to state a claim upon which relief can be granted. Should the Court deny this Motion to Dismiss, Defendants, pursuant to 28 U.S.C. § 1406(a), move in the alternative for the entry of an Order transferring this case to the Central District of California. Contemporaneously herewith, Defendants are filing a Memorandum of Law in Support of this Motion.

Dated: September 17, 2012

Respectfully submitted,

By: /s/ M. Keith Lipscomb
M. Keith Lipscomb (Fla. Bar No. 429554)
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ M. Keith Lipscomb

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