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10 Attorneys for Defendant Religious Technology Center,  
11 a California non-profit religious corporation

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

14 CLAIRE HEADLEY,  
15 Plaintiff,

16 v.

17 CHURCH OF SCIENTOLOGY  
18 INTERNATIONAL, a corporate entity,  
19 RELIGIOUS TECHNOLOGY  
20 CENTER, a corporate entity AND  
21 DOES 1 -20,  
22 Defendants.

CASE NO. CV09-3987 MMM (FFMx)

**RELIGIOUS TECHNOLOGY  
CENTER'S NOTICE OF MOTION  
AND MOTION TO DISMISS  
SECOND AMENDED COMPLAINT  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 12(b)(6), OR, IN  
THE ALTERNATIVE, FOR A MORE  
DEFINITE STATEMENT  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 12(e)**

[Memorandum of Points and Authorities  
filed concurrently]

Date: July 27, 2009  
Time: 10:00 a.m.  
Judge: Hon. Margaret M. Morrow  
Dept.: 780

JMBM  
Jeffer Mangels  
Butler & Marmaro LLP

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Jeffer Mangels  
Butler & Marmarou LLP

1           **TO ALL PARTIES AND COUNSEL OF RECORD, PLEASE TAKE**  
2 **NOTICE THAT,**

3           On July 27, 2009, at 10:00 a.m., or as soon thereafter as counsel may be heard  
4 by the above-entitled Court, located at 255 East Temple Street, Los Angeles,  
5 California 90012, in Department 780, defendant Religious Technology Center  
6 ("RTC") will and hereby does move the Court for an order, pursuant to Fed. R. Civ.  
7 P. 12(b)(6), dismissing Plaintiff Claire Headley's ("Plaintiff") Second Amended  
8 Complaint ("SAC"), or in the alternative, for an order requiring a more definite  
9 statement Fed. R. Civ. P. 12(e).

10           RTC's seeks dismissal of the SAC on the grounds that it fails to state a claim  
11 upon which relief may be granted because all of Plaintiff's claims are either barred by  
12 the applicable statute of limitations or are not available to Plaintiff as a matter of law.  
13 In addition, RTC moves to dismiss the SAC on the grounds that it does not meet the  
14 pleading standards of Federal Rule of Civil Procedure, 8(a)(2), which were recently  
15 clarified by the Supreme Court in Ashcroft v. Iqbal, 556 U.S. \_\_\_, 129 S.Ct 1937  
16 (2009). Plaintiff has merely alleged facts that could "suggest," that RTC has engaged  
17 in unlawful conduct, however, Plaintiff has not stated specific facts that would  
18 establish or identify RTC's purportedly wrongful conduct. Therefore, under Iqbal,  
19 Plaintiff's SAC should be dismissed. In the alternative, due to the ambiguous nature  
20 of the SAC, RTC seeks an order, pursuant to F.R.C.P. Rule 12(e), requiring Plaintiff  
21 to plead more definite facts regarding which Defendant was responsible for the  
22 conduct alleged in the SAC, and when that conduct occurred.

23           This motion is made following the conference of counsel pursuant to Local  
24 Rule 7-3, which took place on June 8, 2009. The parties were unable to agree to a  
25 resolution of the motion.

26           This Motion is based upon this Notice of Motion and Motion, the  
27 accompanying Memorandum of Points and Authorities, the SAC, all pleadings and  
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1 papers on file in this action, and upon such other matters as may be presented to the  
2 Court at or before the time of the hearing.

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DATED: June 10, 2009

JEFFER, MANGELS, BUTLER &  
MARMARO LLP  
MARC MARMARO  
AMY LERNER HILL

By: /s/Marc Marmaro  
MARC MARMARO  
Attorneys for Defendant RELIGIOUS  
TECHNOLOGY CENTER

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