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Attorneys for Plaintiff CrossFit, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CROSSFIT, INC., a Delaware
corporation,

Plaintiff,

v.

NATIONAL STRENGTH AND
CONDITIONING ASSOCIATION, a
Colorado corporation,

Defendant.

CASE NO. 14cv1191-JLS (KSC)

**PLAINTIFF’S NOTICE OF MOTION
AND MOTION FOR RENEWED
PARTIAL SUMMARY JUDGMENT
ON THE ELEMENT OF FALSITY**

Judge: The Honorable Janis L.
Sammartino

Hearing date: June 16, 2016 at 1:30pm
Courtroom: 4A

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

2 PLEASE TAKE NOTICE that Plaintiff CrossFit, Inc. moves the Court for
3 partial summary judgment on the element of falsity as related to the Devor Study's
4 injury data, pursuant to Rule 56 of the Federal Rules of Civil Procedure. The hearing
5 on Plaintiff's motion will be held on June 16, 2016 at 1:30pm at the United States
6 District Court for the Southern District of California, 221 West Broadway,
7 Courtroom 4A, San Diego, California 92101.

8 This motion is based on this Notice of Motion and Motion for Partial Summary
9 Judgment on the Element of Falsity, Plaintiff's Memorandum of Points and
10 Authorities in Support of Motion for Partial Summary Judgment on the Element of
11 Falsity, the Separate Statement of Undisputed Material Facts in Support of Plaintiff's
12 Motion for Partial Summary Judgment on the Element of Falsity, the Declaration of
13 Justin S. Nahama in Support of Plaintiff's Motion for Partial Summary Judgment on
14 the Element of Falsity and exhibits thereto, the records and pleadings on file herein,
15 and on such other evidence as may be presented to the Court. Plaintiff requests oral
16 argument.

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20 Dated: April 6, 2016

Respectfully Submitted,
MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO PC

21
22 By /s/Justin Nahama
23 Micha Danzig, Esq.
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27 *Counsel for Plaintiff*
28 *CROSSFIT, INC.*

CERTIFICATE OF SERVICE

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of San Diego, State of California, and am not a party to the above-entitled action.

On April 6, 2016, I filed a copy of the foregoing document by electronically filing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Executed on April 6, 2016, at San Diego, California. I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

/s/Justin Nahama

Justin S. Nahama, Esq.