

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GARY ZAGAMI, Individually and on Behalf)
of all Others Similarly Situated,)
)
)
Plaintiff,) Case No. 1:15-cv-7194 (KPF)
)
)
v.) ORAL ARGUMENT REQUESTED
)
)
CELLCEUTIX CORPORATION, LEO)
EHRlich, AND KRISHNA MENON,)
)
Defendants.)
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DEFENDANTS’ MOTION TO DISMISS SECOND AMENDED COMPLAINT

Defendants CELLCEUTIX CORPORATION, LEO EHRlich, and KRISHNA MENON, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(3) & (6) and the Private Securities Litigation Reform Act of 1995, hereby move to dismiss Plaintiff’s Second Amended Complaint (“SAC”) for the reasons set forth in the accompanying Memorandum of Law.

WHEREFORE, Defendants respectfully request that their Motion to Dismiss be granted and that the SAC be dismissed with prejudice.

Dated: February 10, 2016

Respectfully Submitted,

THE ASHCROFT LAW FIRM, LLC

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Counsel for Defendants