

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ESPOSITO SECURITIES LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 3:12-cv-04926-N
	§	
ADVISORSHARES INVESTMENTS, LLC,	§	
	§	
Defendants.	§	

**DEFENDANT ADVISORSHARES INVESTMENTS, LLC’S MOTION TO DISMISS
THE AMENDED PETITION OF PLAINTIFF ESPOSITO SECURITIES, LLC**

Defendant Advisorshares Investments, LLC (“Defendant”) hereby moves, pursuant to Rules 8(a)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss in its entirety with prejudice “Esposito Securities LLC’s Amended Petition,” dated February 22, 2013 filed by Plaintiff Esposito Securities LLC. A separate Memorandum of Law in Support of its Motion to Dismiss and Appendix are being filed contemporaneously with this Motion and are hereby incorporated by reference.

For grounds set forth more fully in Defendant’s Memorandum of Law in Support of Its Motion to Dismiss, Defendant requests the Court to grant this Motion to Dismiss in its entirety and dismiss Plaintiff’s Amended Petition with prejudice.

Dated: March 28, 2013

Respectfully Submitted,

/s/ Ann Marie Painter

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been served upon all counsel of record via the Court's ECF filing on this 28th day of March, 2013, as follows:

Court D. Smith
Justin P. England
Crouch & Ramey, LLP
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/s/ Ann Marie Painter

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