

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

PARKS, MILLICAN & MANN, LLC,

Plaintiff,

v.

Civil Action No. 2:16-cv-00522

FIGURES TOY COMPANY

and

RING OF HONOR WRESTLING
ENTERTAINMENT LLC,

Defendants.

**DEFENDANT FIGURES TOY COMPANY'S
MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Figures Toy Company (“Figures”) moves to dismiss Plaintiff Parks, Millican & Mann, LLC’s Second Amended Complaint (Dkt. No. 21) in its entirety. Plaintiff has asserted six claims against Figures, each of which fails to state a claim upon which relief may be granted. As this was Plaintiff’s third opportunity to attempt to state a claim against Figures, Plaintiff’s Second Amended Complaint should be dismissed with prejudice.

In support of this Motion, Figures submits the accompanying Memorandum of Law, Declaration of Mary D. Hallerman and Exhibit A thereto, and Proposed Order.

Dated: May 17, 2017

By: /s/Mary D. Hallerman
Mary Hallerman (Va. Bar. No. 80430)
John J. Dabney (admitted *pro hac vice*)
McDermott Will & Emery LLP
The McDermott Building
Washington, D.C. 20001-1531
Tel: 202-756-8738
Fax: 202-756-8087
mhallerman@mwe.com, jdabney@mwe.com

Attorneys for Defendant Figures Toy Company

CERTIFICATE OF SERVICE

I hereby certify on May 17, 2017, I electronically filed the foregoing document—
DEFENDANT FIGURES TOY COMPANY'S MOTION TO DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT—with the Clerk of Court using the CM/ECF system, which will then
send a notification of such filing (NEF) to the following counsel of record for Plaintiff:

Duncan G. Byers, Esq.
Anne C. Lahren, Esq.
Pender & Coward, PC
222 Central Park Ave, Suite 400
Virginia Beach, VA 23462-3026
dbyers@pendercoward.com
alahren@pendercoward.com

/s/ Mary D. Hallerman
Mary D. Hallerman (Va. Bar No. 80430)
MCDERMOTT WILL & EMERY LLP
The McDermott Building
500 North Capitol Street, NW
Washington, DC 20001
Telephone: (202) 756-8194
Facsimile: (202) 756-8087
mhallerman@mwe.com