

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HOWARD McMORRIS; MONA DAVIDS;  
ELIZABETH COOKSEY; CHRISTIAN  
KOLLER; MATTHEW KOLLER; MARK D.  
HAFFNER; MYMOENA DAVIDS;  
CHARLES GOLDBERG; JOSEPH G. BECK;  
JONATHAN RYAN SLAWSON; PALMER  
HAFFNER,

Plaintiffs,

v.

RIDER UNIVERSITY,

Defendant.

**Civil Action No.: 17-cv-4611 (RA)**

**NOTICE OF DEFENDANT RIDER UNIVERSITY'S MOTION TO DISMISS  
PLAINTIFFS' SECOND AMENDED COMPLAINT  
UNDER FED. R. CIV. P. 9(B) AND 12(B)(6)**

**PLEASE TAKE NOTICE** that Defendant Rider University shall move before the Honorable Ronnie Abrams of the United States District Court for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, 10007, at a date and time as shall be determined by the Court, for entry of an order dismissing the Second Amended Complaint in its entirety under Fed. R. Civ. P. 9(b) and 12(b)(6) on the basis that the causes of action fail to state claims upon which relief can be granted;

**PLEASE TAKE FURTHER NOTICE** that, in support of this motion, Rider University will rely upon the following: (1) Rider University's Brief in Support of Its Motion to Dismiss Plaintiffs' Second Amended Complaint and (2) Declaration of Jonathan Meer, dated October 16, 2017 and the exhibits attached thereto,

**PLEASE TAKE FURTHER NOTICE** that oral argument is hereby requested.

Dated: October 16, 2017

/s/ Angelo A. Stio III

Angelo A. Stio III

Eli Segal (*pro hac* application to be submitted)

**PEPPER HAMILTON LLP**

Suite 400

301 Carnegie Center

Princeton, NJ 08543-5276

(609) 452-0808

*Attorneys for Defendant*

*Rider University*