

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA

BRUCE and WENDY ANDERSON, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 AMWAY/QUIXTAR, INC.; )  
 MICHAEL YOUNG McCORMICK; )  
 DONALD E. CHRISTOPHER; and )  
 HAL GOOCH, )  
 )  
 Defendants. )

Case No: 3:07-CV-844-J-25JRK

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**MOTION TO DISMISS**

*(Rule 12(b)(6), Federal Rules of Civil Procedure)*

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COMES NOW Defendant Hal Gooch, by and through his undersigned Attorney of Record, pursuant to the provisions of Rule 12(b)(6) of the Federal Rules of Civil Procedure and respectfully prays the court for entry of an order dismissing Plaintiffs' complaint on the ground that it fails to state a claim against Defendant Gooch upon which relief could be granted.

In support of such Motion, Defendant Gooch respectfully shows unto the Court that:

1. Plaintiffs' complaint alleges claims for compensatory damages, exemplary damages, and for other relief based upon allegations that Defendants have engaged in one or more unlawful acts.
2. Plaintiffs are citizens and residents of Duval County, Florida.
3. Defendant Amway/Quixtar is a corporation organized and existing under the laws of the State of Virginia, and which has its office and principal place of business in the State of Michigan.
4. Defendant McCormick is a citizen and resident of the State of Texas.

5. Defendant Christopher is a citizen and resident of the State of Florida.

6. Defendant Gooch is a citizen and resident of the State of North Carolina.

7. All acts pertinent to the claims alleged in the complaint occurred within the State of Florida. Therefore, the substantive law of the State of Florida, as well as that of the United States to the extent that the statutory laws of the United States are implicated, must be applied in weighing the legal sufficiency of Plaintiffs' complaint.

8. Under the substantive law of the State of Florida, as well as that of the United States to the extent that the statutory laws of the United States are implicated, Plaintiffs' complaint fails to state claims upon which relief could be granted, and the same should be dismissed.

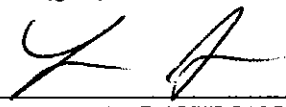
9. In support of such Motion, Defendant Gooch contemporaneously has filed a brief with the Court as required by the provisions of Local Rule 3.01(a), which brief is filed as an attachment to this Motion.

WHEREFORE Defendant Gooch respectfully prays the court that an order be entered dismissing Plaintiffs' complaint for failure to state a claim upon which relief could be granted.

Respectfully submitted, this 24th day of January 2008.

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By:

  
\_\_\_\_\_  
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FOR

/s/ WILLIAM E. WEST, JR.  
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**CERTIFICATE OF SERVICE**

I hereby certify that the following Motion to Dismiss upon Plaintiffs herein by electronic filing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified below in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing:

**ADDRESSEES:**


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MICHAEL Y. McCORMICK, ESQUIRE  
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*Defendant*

This 24th day of January 2008.

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