

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PAUL LEHRMAN and LINNEA SAGE, on behalf  
of themselves and all others similarly situated, and  
JOHN DOE and others similarly situated,

Plaintiffs,

v.

LOVO, INC.,

Defendant.

No. 1:24-cv-03770 (JPO)

**ORAL ARGUMENT  
REQUESTED**

**NOTICE OF MOTION TO DISMISS THE AMENDED CLASS ACTION COMPLAINT**

**PLEASE TAKE NOTICE** that upon the accompanying Declaration of William Bergesch, dated November 25, 2024, the exhibits attached thereto, the accompanying Memorandum of Law, and all of the prior pleadings and proceedings in this action, Defendant Lovo, Inc. (“Lovo”) will move this Court, before the Honorable J. Paul Oetken, at the United States District Court for the Southern District of New York, located in the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, on a date and time to be set by the Court, for an Order: (i) dismissing Plaintiffs’ Amended Class Action Complaint, in its entirety, with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 9(b); and (ii) for such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to the order of the court and by agreement of the parties (ECF No. 23-24), Plaintiffs’ opposing or response papers, if any, shall be due on or by January 10, 2025, and Defendant’s reply papers, if any, will be due on or by January 31, 2025.

Dated: November 25, 2024  
New York, New York

RIMÔN, P.C.

By: /s/ Michael S. Lazaroff  
Michael S. Lazaroff  
100 Park Avenue, 16<sup>th</sup> Floor  
New York, New York 10017  
646-738-4151  
[michael.lazaroff@rimonlaw.com](mailto:michael.lazaroff@rimonlaw.com)

David E. Case  
800 Oak Grove Avenue, Suite 250  
Menlo Park, California 94025  
408-512-2239  
[david.case@rimonlaw.com](mailto:david.case@rimonlaw.com)

William W. Bergesch  
100 Jericho Quadrangle, Suite 300  
Jericho, New York 11753  
(516) 479-6300  
[william.bergesch@rimonlaw.com](mailto:william.bergesch@rimonlaw.com)

*Attorneys for Defendant Lovo, Inc.*