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6 Attorneys for Defendants
SHEA HOMES LIMITED PARTNERSHIP
7 (erroneously sued as SHEA HOMES, INC.), and
J.F. SHEA CO., INC.
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION
11

12 MATTHEW NIELSON, NICOLE
NIELSON, as individuals and on behalf
13 of all similarly situated,

14 Plaintiffs,

15 vs.

16 SHEA HOMES, INC.; J.F. SHEA
CO., INC.; and DOES 1 through 10
17 inclusive,

18 Defendants.
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CASE NO. ED-CV-09-01673 VAP
(DTBx)

Class Action

**DEFENDANTS' NOTICE OF
MOTION AND MOTION TO
DISMISS PLAINTIFFS' SECOND
AMENDED COMPLAINT**

[Fed. R. Civ. P. 8, 9, and 12(b)(6)]

[Memorandum of Points &
Authorities filed concurrently
herewith]

Hearing

Date: January 30, 2012

Time: 2:00 p.m.

Courtroom: 2

Judge: Hon. Virginia A. Phillips

SAC Filed: December 2, 2011

Trial Date: Unassigned

1 **TO THE HONORABLE COURT, PLAINTIFFS AND THEIR ATTORNEYS:**

2 **PLEASE TAKE NOTICE** that on Monday, January 30, 2012, at 2:00
3 p.m., or as soon thereafter as the matter may be heard, before the United States
4 District Court for the Central District of California, located at 3470 Twelfth Street,
5 Riverside, California 92501, Defendants Shea Homes Limited Partnership
6 (erroneously sued as Shea Homes, Inc.), and J.F. Shea Co., Inc., (collectively,
7 “Defendants” or “Shea”) will and hereby do move this Court, pursuant to Rules
8 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, to dismiss all five causes
9 of action stated in plaintiffs’ second amended complaint.

10 Defendants’ Motion is made on the following two primary grounds:

11 1. Plaintiffs fail to satisfy their pleading requirements under Rule
12 9(b) of the Federal Rules of Civil Procedure.

13 2. Plaintiffs fail to state claims upon which relief can be granted
14 under Federal Rule of Civil Procedure 12(b)(6), including their failure to satisfy the
15 pleading requirements of Fed. R. Civ. P. 8(a).

16 This Motion is made following the conference of counsel pursuant to
17 Local Rule 7-3, which took place on December 13, 2011.

18 This motion is based on this Notice of Motion and Motion, the
19 accompanying Memorandum of Points and Authorities in support thereof, the
20 concurrently filed Request for Judicial Notice, and all records and pleadings as may
21 be presented at or before the hearing on this motion.

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1 DATED: December 22, 2011

DONALD L. MORROW
RYAN M. FAWAZ
PAUL HASTINGS LLP

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By: /s/ Donald L. Morrow
DONALD L. MORROW

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Attorneys for Defendants
SHEA HOMES LIMITED PARTNERSHIP
(erroneously sued as SHEA HOMES, INC.),
and J.F. SHEA CO., INC.

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