

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES R. ZAZZALI, as Trustee for the)
DBSI Private Actions Trust,)
)
Plaintiff,)
)
v.)
)
ALEXANDER PARTNERS, LLC, et. al.)
)
Defendants.)
)

C.A. No. 12-00828 GMS

**JEFFREY AUGSPURGER, RON BARTON, TOD BILLINGS, TRENT
BRYERLY, SCOTT CAVEY, ALLAN CRUMES, RON DAVIES, TIM DUMA,
MIKE EDEN, DAVID KOWALSKI, ROBERT KUH, MICHAEL MYERS,
DWAIN OWENS, MARK PEARSON AND ROYCE RUTH’S MOTION TO
DISMISS AMENDED COMPLAINT FOR IMPROPER VENUE**

Defendants Jeffrey Augspurger, Ron Barton, Tod Billings, Trent Bryerly, Scott Cavey, Allan Crumes, Ron Davies, Tim Duma, Mike Eden, David Kowalski, Robert Kuh, Michael Myers, Dwain Owens, Mark Pearson and Royce Ruth (the “Representative Defendants”), in the above-captioned case (“Representative Defendants”), by and through their undersigned counsel, moves the Court pursuant to Rule 12(b)(3) to dismiss all counts of the Amended Complaint against the Representative Defendants on the grounds that this Court is the improper venue.

The grounds for this motion are set out in detail in the Opening Brief in Support of Representative Defendants’ Motion to Dismiss Amended Complaint for Improper Venue and supporting declaration with exhibits, all filed concurrently with this motion. For the reasons set forth therein, the Representative Defendants respectfully request that the Court dismiss all counts



of the Amended Complaint as to them and grant such other relief as the Court deems just and appropriate.

FERRY, JOSEPH & PEARCE, P.A.

Dated: March 14, 2014

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-and-

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