

**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

**RON BARTON, TOD BILLINGS, TRENT BRYERLY, TIM DUMA,
MIKE EDEN, MICHAEL MYERS AND MARK PEARSON’S MOTION
TO DISMISS AMENDED COMPLAINT IN ITS ENTIRETY FOR FAILURE
TO SUFFICIENTLY STATE CLAIMS FOR RELIEF**

Defendants Ron Barton, Tod Billings, Trent Bryerly, Tim Duma, Mike Eden, Michael Myers and Mark Pearson (“Representative Defendants”), by and through their undersigned counsel, moves the Court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and D. Del. L.R. 7.1.2, to dismiss the Amended Complaint in its entirety against the Representative Defendants on the grounds that the Amended Complaint fails to state a claim against upon which relief can be granted.

The grounds for this motion are set out in detail in the Opening Brief in Support of Ron Barton, Tod Billings, Trent Bryerly, Tim Duma, Mike Eden, Michael Myers and Mark Pearson’s Motion to Dismiss Amended Complaint for Failure to Sufficiently State a Claim Upon Which Relief Can be Granted, 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 with prejudice 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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