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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **SOUTHERN DIVISION**

11 SERENA FLEITES,

12 Plaintiff,

13  
14 v.

15 MINDGEEK S.A.R.L.; MG  
16 FREESITES, LTD; MINDGEEK USA  
INCORPORATED; MG PREMIUM  
17 LTD.; MG GLOBAL  
18 ENTERTAINMENT INC.; 9219-1568  
Quebec, Inc. (d/b/a MindGeek); BERND  
19 BERGMAIR; FERAS ANTOON;  
20 DAVID TASSILLO; COREY URMAN;  
VISA, INC.; COLBECK CAPITAL  
21 DOES 1-5; BERGMAIR DOES 1-5,

22 Defendants.  
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Case No. 2:21-CV-04920-CJC-ADS

Judicial Officer: Cormac J. Carney  
Courtroom: 9B

**NOTICE OF VISA INC.’S MOTION  
TO DISMISS FOR LACK OF  
SUBJECT-MATTER  
JURISDICTION AND FAILURE TO  
STATE A CLAIM**

Date: August 8, 2022  
Time: 1:30 p.m.

1 TO PLAINTIFF AND ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on August 8, 2022 at 1:30 p.m. or as soon  
3 thereafter as the matter may be heard, before the Honorable Cormac J. Carney in  
4 Courtroom 9B, located at 411 West Fourth Street, Santa Ana, CA, 92701-4516,  
5 Defendant Visa Inc. (“Visa”) will and hereby does move to dismiss Plaintiff’s claims  
6 against Visa, with prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(1)  
7 and 12(b)(6).

8 Visa brings this motion on the grounds that: (i) Plaintiff lacks Article III  
9 standing as to Visa because Plaintiff’s alleged injuries are not traceable to Visa; (ii)  
10 the Complaint does not state a claim for relief against Visa under the Trafficking  
11 Victims Protection Reauthorization Act (“TVPRA”), 18 U.S.C. § 1595; (iii) the  
12 Complaint does not plausibly allege any Racketeer Influenced and Corrupt  
13 Organizations Act (“RICO”) violations by Visa under 18 U.S.C. § 1962; (iv) the  
14 Complaint does not plausibly allege any conspiracy claim against Visa; (v) the  
15 Complaint does not plausibly allege any claims for relief under California state law;  
16 and (vi) dismissal with prejudice is warranted because amendment would be futile.

17 This motion is based upon this Notice of Motion, all other pleadings and  
18 papers on file herein, and such other argument and evidence as may be presented to  
19 the Court.

20 This motion is made following a conference of counsel pursuant to Local Rule  
21 7-3, which took place on May 17, 2022.

23 Dated: May 23, 2022

RESPECTFULLY SUBMITTED,

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/s/ Drew Tulumello  
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