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8 *Attorneys for Defendants*  
*Shein Distribution Corporation,*  
 9 *Roadget Business Pte. Ltd., and*  
*Zoetop Business Company, Limited*  
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11  
 12 UNITED STATES DISTRICT COURT  
 13 CENTRAL DISTRICT OF CALIFORNIA  
 14

15 KRISTA PERRY, an individual;  
 16 LARISSA MARTINEZ, an individual;  
 JAY BARON, an individual; RACHEL  
 17 PFEFFER, an individual; DIRT BIKE  
 KIDZ, Inc., a California corporation;  
 18 ESTELLEJOYLYNN, LLC, a New  
 Jersey limited liability company;  
 19 JESSICA LOUISE THOMPSON  
 SMITH, an individual; and LIV LEE, an  
 individual,

20  
 21 Plaintiffs,

22 v.

23 SHEIN DISTRIBUTION  
 CORPORATION, a Delaware  
 corporation; SHEIN FASHION  
 24 GROUP, INC.; ROADGET BUSINESS  
 PTE. LTD; ZOETOP BUSINESS  
 25 COMPANY, LIMITED; CHRIS XU;  
 and DOES 1-10 inclusive.  
 26

27 Defendants.  
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Case No. 2:23-cv-05551-MCS-JPR

**DEFENDANTS' NOTICE OF  
 MOTION AND MOTION TO  
 DISMISS PLAINTIFFS' THIRD  
 AND TWELFTH CLAIMS FOR  
 RELIEF AND MOTION TO  
 STRIKE PORTIONS OF THE  
 FIRST AMENDED COMPLAINT**

*[Memorandum of Points and  
 Authorities; [Proposed] Order  
 Submitted Concurrently Herewith]*

Date: January 22, 2024  
 Time: 9:00 a.m.  
 Place: Courtroom 7C  
 Judge: Hon. Mark C. Scarsi

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE THAT on January 22, 2024, at 9:00 a.m., or as soon  
3 thereafter as the parties may be heard, in the United States District Court for the  
4 Central District of California, located at 350 West First Street, Los Angeles,  
5 California, before the Honorable Mark C. Scarsi in Courtroom 7C, Defendants Shein  
6 Distribution Corporation, Roadget Business Pte. Ltd., and Zoetop Business Company,  
7 Limited (collectively, “Defendants”) will and hereby do move the Court for an order  
8 dismissing with prejudice Plaintiffs Krista Perry, Larissa Martinez, Jay Baron,  
9 Rachel Pfeffer, Dirt Bike Kidz, Inc., EstelleJoyLynn, LLC, Jessica Louise Thompson  
10 Smith, and Liv Lee’s (collectively, “Plaintiffs”) Third and Twelfth Claims for Relief  
11 of the First Amended Complaint (“FAC”) pursuant to Rule 12(b)(6) of the Federal  
12 Rules of Civil Procedure on the following grounds:

- 13 • Twelfth Claim for Relief: Plaintiffs fail to state a RICO claim because (i)  
14 garden variety copyright infringement claims, like those alleged by  
15 Plaintiffs here, cannot serve as predicate acts to establish a RICO violation,  
16 regardless of whether the predicate act is styled as criminal copyright  
17 infringement or wire fraud, (ii) Plaintiffs do not, and cannot sufficiently  
18 plead a wire fraud violation, (iii) Plaintiffs do not, and cannot, adequately  
19 allege proximate causation as required by the RICO statute, and (iv)  
20 Plaintiffs fail to adequately allege that each of the Defendants conducted or  
21 participated in the conduct of a RICO enterprise; and
- 22 • Third Claim for Relief: Plaintiff Baron fails to state a copyright  
23 infringement claim because his alleged artwork is not protectable under  
24 copyright law.

25 Additionally, Defendants will and hereby do move the Court to strike the  
26 certain portions of Plaintiffs’ FAC as immaterial, impertinent, and scandalous  
27 pursuant to Rule 12(f) of the Federal Rules of Civil Procedure. Specifically,  
28

1 Defendants will and hereby move to have the following matters stricken from the  
2 FAC:

- 3 • FAC ¶ 1 at page 1, lines 12-15 (alleging that Shein is a “societal  
4 threat” contributing to “environmental damage, sweatshop (or worse)  
labor conditions, tax avoidance, child safety”);
- 5 • *Id.* ¶ 1 at page 1 n.1, lines 21-23 (alleging that the “dangers posed by  
6 Shein” include “exploitation of trade loopholes” and “forced labor”);
- 7 • *Id.* ¶ 2 at page 2, lines 1-4 (alleging that Shein “survives grave reports  
8 of slave labor”);
- 9 • *Id.* ¶ 2 at page 2, lines 10-13, and page 3, line 1 (alleging that Shein  
10 sells “Swastikas”);
- 11 • *Id.* ¶¶ 32-34 at pages 12-13 (alleging that Shein has been criticized  
12 regarding “Forced Labor,” “Other labor violations,” “Health  
13 hazards,” “Environmental impact,” and “Tax avoidance”);
- 14 • *Id.* ¶ 37 at page 15, line 12 (alleging that Shein’s products are “cut  
and sewn in a sweatshop”);
- 15 • *Id.* ¶ 40 at page 16, line 23 (alleging that Shein “employs the  
16 sweatshop” version of a design process); and
- 17 • *Id.* ¶ 46 at page 19, lines 13-14 (alleging that Shein uses  
18 “questionable labor practices”).

19 This Motion is based on this Notice of Motion, the accompanying  
20 Memorandum of Points and Authorities, the [Proposed] Order Granting Defendants’  
21 Motion to Dismiss and Motion to Strike, all papers and records on file in this action,  
22 and any matters that may properly come before the Court at or before the hearing on  
23 this Motion.

24 This Motion is made following the conference of counsel pursuant to Local  
25 Rule 7-3, which took place on November 16, 2023.  
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1 DATED: December 1, 2023

PAUL HASTINGS LLP

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By: /s/ Steven A. Marenberg  
Steven A. Marenberg  
*Attorneys for Defendants*