

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLANS DIVISION

COMPOSITE EFFECTS, LLC,

Plaintiff,

Versus

ALL ELITE WRESTLING, LLC and
AUSTIN MATELSON,

Defendants.

CAUSE NO. 2:22-cv-05351-EEF-MBN

DISTRICT JUDGE FALLON

MAGISTRATE JUDGE NORTH

**ALL ELITE WRESTLING, LLC'S MOTION TO DISMISS
COUNTS II, III, IV, V, AND VI OF THE COMPLAINT
FOR FAILURE TO STATE A CLAIM UNDER FED. R. CIV. P. 12(b)(6)**

Defendant All Elite Wrestling, LLC (“AEW”) respectfully moves the Court to dismiss Counts II (unfair competition under the Lanham Act), III (unfair competition under the Louisiana Unfair Trade Practices Act), IV (conversion under Louisiana law), V (unjust enrichment under Louisiana law), and VI (liability for causing damages under LA. Civ. Code 2315) for failure to state a claim under Fed. R. Civ. P. 12(b)(6).¹ As set forth in greater detail in the Memorandum in Support that is filed contemporaneously herewith, with regard to each of these counts, Plaintiff Composite Effects, LLC has either failed to assert a viable claim and/or attempted to plead a claim that is clearly preempted by the Copyright Act. Accordingly, these Counts of the Complaint should be dismissed.

¹ The only remaining claim brought against AEW is for copyright infringement (Count I). AEW will file its answer to that portion of the complaint after the disposition of this Motion. *See Bertaut v. Parish of Jefferson*, No.02-2104, 2002 WL 31528468 (E.D. La. Nov. 8, 2002) (“A defendant may file a motion to dismiss and await its disposition before filing an answer. Even the filing of a partial motion to dismiss extends the defendant’s time to answer the entire complaint.”).

WHEREFORE, AEW respectfully requests that the Court grant its Motion to Dismiss Counts II, III, IV, V, and VI of the Complaint, and for all other just and proper relief.

Respectfully submitted,

/s/Bradley M. Stohry

Bradley M. Stohry (Admitted *Pro Hac Vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2023, a copy of the foregoing pleading was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system.

/s/Bradley M. Stohry

Bradley M. Stohry