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11
12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**
14

15 ART COHEN, Individually and
16 on Behalf of All Others Similarly
Situating,

17 Plaintiffs,

18 v.

19 DONALD J. TRUMP,

20 Defendant.
21

Case No. 13-CV-2519-GPC(WVG)

**DEFENDANT DONALD J.
TRUMP'S NOTICE OF MOTION
AND MOTION FOR SUMMARY
JUDGMENT OR, IN THE
ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Hearing: July 8, 2016

Time: 1:30 p.m.

Courtroom: 2d

Judge: Hon. Gonzalo P. Curiel

1 TO THE COURT AND ALL PARTIES HEREIN:

2 PLEASE TAKE NOTICE that on July 8, 2016, at 1:30 p.m. or as soon
3 thereafter as the matter may be heard, before the Honorable Gonzalo P. Curiel,
4 Courtroom 2D (2nd Floor – Schwartz) of the above-entitled Court, located at 221
5 W. Broadway, in San Diego, CA 92101, Defendant Donald J. Trump (“Defendant”)
6 will and hereby does move this Court, pursuant to Rule 56 of the Federal Rules of
7 Civil Procedure, for an Order granting Defendant’s Motion for Summary Judgment
8 as to plaintiffs’ sole cause of action alleging a violation of 18 U.S.C. §1962(c) (the
9 “Motion”) in favor of Defendant and against Plaintiff Art Cohen, individually, and
10 all others similarly situated.

11 The Motion is brought on the grounds that plaintiffs have failed to raise a
12 genuine dispute of material fact as to any of the following dispositive issues: (1)
13 Defendant conducted the affairs of the alleged RICO enterprise; (2) Defendant
14 engaged in a pattern of racketeering activity because plaintiffs cannot show (i) that
15 Defendant’s statements were false, much less actionable as a RICO predicate act;
16 (ii) that Defendant knowingly participated in the alleged scheme to defraud, or (iii)
17 that Defendant had the specific intent to defraud.

18 This Motion is based upon this Notice of Motion, the accompanying
19 Memorandum of Points and Authorities, the Separate Statement of Undisputed
20 Facts, and the Declaration of David L. Kirman and the exhibits thereto, all of which
21 are filed concurrently herewith, as well as all pleadings, papers and documents on
22 file in this case, and any oral argument that may be requested by the Court at the
23 hearing on the Motion.

