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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Case No. 3:20-cv-05451-CRB

SUSAN SMITH, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

WALGREENS BOOTS ALLIANCE, INC.,
WALGREEN CO., WAGDCO, LLC,
COSTCO WHOLESALE CORPORATION
and DOES 1-10,

Defendants.

**WALGREENS BOOTS ALLIANCE, INC.'S
NOTICE OF MOTION AND MOTION TO
DISMISS SECOND AMENDED
COMPLAINT AND MEMORANDUM OF
POINTS AND AUTHORITIES**

Honorable Charles R. Breyer

Hearing Date: June 18, 2021
Hearing Time: 10:00 a.m.
Courtroom: Courtroom 6, 17th Floor

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT, on June 18, 2021, at 10:00 a.m., or as soon thereafter as the matter may be heard before the Honorable Charles R. Breyer in Courtroom 6, 17th Floor, of the United States District Court for the Northern District of California, in the San Francisco Courthouse, 450 Golden Gate Avenue, San Francisco, California, 94102, Defendant Walgreens Boots Alliance, Inc. (“WBA”) will and does move this Court, pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, for an order dismissing WBA for lack of personal jurisdiction.

WBA’s Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, any other matters of which the Court may take judicial notice, other documents filed in this action and incorporated herein, including its prior Motion to Dismiss for lack of personal jurisdiction, Dkt. 35, and any oral argument of counsel.

Dated: April 21, 2020

BARTLIT BECK LLP

By: /s/ Kaspar J. Stoffelmayr

*Attorney for Defendant WALGREENS
BOOTS ALLIANCE, INC.*

MEMORANDUM OF POINTS AND AUTHORITIES

Walgreens Boots Alliance, Inc. (“WBA”) is a holding company incorporated in Delaware and conducts no activities in California. It therefore moves to dismiss all claims against it for lack of personal jurisdiction, for the reasons stated in its prior motion and accompanying papers—each of which is incorporated here. Dkts. 35, 56. In fact, this Court granted WBA’s prior motion and dismissed all claims against it without prejudice. Dkt. 61 at 21 (“Walgreens’ Motions to Dismiss (dkt. 35, 36) are also GRANTED and claims against Walgreens are dismissed without prejudice.”).

Because the Court also granted Plaintiff leave to amend, however, it went on to state that it would “not address the outstanding jurisdictional arguments regarding jurisdiction contained in WBA’s Motion to Dismiss (dkt. 35).” *Id.* at 22. Instead, the Court informed the parties that, “[i]n the event that Plaintiff amends the FAC to state a plausible claim of discrimination against Walgreens, the Court will address WBA’s personal jurisdictional arguments at that time.” *Id.*

Even if the Court were to deny Walgreens’ separate motion to dismiss the Second Amended Complaint for failure to state a claim (and it should not), it should nevertheless grant WBA’s motion to dismiss for lack of personal jurisdiction.

Dated: April 21, 2021

By: /s/ Kaspar J. Stoffelmayr

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CERTIFICATE OF SERVICE

I, Kaspar J. Stoffelmayr, declare as follows:

I am employed in the County of Cook, State of Illinois, I am over the age of eighteen years and am not a party to this action; my business address is 54 W. Hubbard Street, Chicago, Illinois, 60654, in said County and State.

I hereby certify that on April 21, 2021, the foregoing Notice of Motion and Motion to Dismiss Second Amended Complaint and Memorandum of Points and Authorities was filed with the Clerk of the Court via CM/ECF. Notice of this filing will be sent by email to all registered parties by operation of the Court's electronic filing systems.

I further certify that on April 21, 2021, the foregoing Notice of Motion and Motion to Dismiss Second Amended Complaint and Memorandum of Points and Authorities was served on the following parties by the means described below:

☒ **BY ELECTRONIC SERVICE:** On the above-mentioned date, pursuant to an agreement of the parties, the documents were sent to the persons at the electronic notification addresses as shown below.

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☒ (FEDERAL) I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 21, 2021

By: /s/ Kaspar J. Stoffelmayr
Kaspar J. Stoffelmayr