## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

GIRL SCOUTS OF MIDDLE	)
TENNESSEE, INC.,	)
	) No. 3:12-00575
Plaintiff,	Judge John T. Nixon
	) Magistrate Judge E. Clifton Knowles
V.	)
	)
	)
GIRL SCOUTS OF THE	)
UNITED STATES OF AMERICA, INC.,	)
	)
Defendant.	)
GIRL SCOUTS OF THE UNITED STATES OF AMERICA, INC.,	) ) ) ) ) ) ) ) )

# NOTICE OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT OR, IN THE ALTERNATIVE, TO TRANSFER VENUE OR TO STAY PROCEEDINGS

PLEASE TAKE NOTICE that upon the accompanying Declaration of Florence Corsello, dated August 3, 2012; the Declaration of Kenneth Kirschner, Esq., dated August 3, 2012; and Defendant's Memorandum of Law in Support of its Motion to Dismiss Plaintiff's Complaint or, in the Alternative, to Transfer Venue Or to Stay Proceedings, Defendant, Girl Scouts of the United States of America, Inc.<sup>1</sup> ("GSUSA") hereby moves this Court, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), for an order dismissing the Complaint filed by Plaintiff, Girl Scouts of Middle Tennessee, and for such other relief as the Court may deem just and proper.

<sup>&</sup>lt;sup>1</sup> GSUSA's proper name is "Girl Scouts of the United States of America," without the "Inc." <u>See</u> GSUSA's Congressional Charter, 36 U.S.C. § 80301 et seq.

If the Complaint is not dismissed in its entirety, GSUSA hereby moves this Court, in the alternative, for an order transferring venue to the Southern District of New York pursuant to 28 U.S.C. § 1404(a) or for an order staying the proceedings in this Court pursuant to 9 U.S.C. § 3.

Dated: August 6, 2012

Respectfully submitted,

#### HOGAN LOVELLS US LLP

By: /s/ Kenneth Kirschner Kenneth Kirschner, Esq. (pro hac vice) Vi T. Vu, Esq. (pro hac vice) 875 Third Avenue New York, NY 10022 Telephone: (212) 918-3000 Facsimile: (212) 918-3100 kenneth.kirschner@hoganlovells.com

- and -

vi.vu@hoganlovells.com

Neal Katyal, Esq. (pro hac vice pending) Mary Helen Wimberly, Esq. (pro hac vice pending) 555 Thirteenth Street, NW Washington, D.C. 20004 Telephone: (202) 637-5600 Facsimile: (202) 637-5910 neal.katyal@hoganlovells.com maryhelen.wimberly@hoganlovells.com

# BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC

Kenneth A. Weber, Esq. (BPR #15730) Baker Donelson Center, Suite 800 211 Commerce Street Nashville, TN 37201 Telephone: (615) 726-7369 Facsimile: (615) 744-7369

kweber@bakerdonelson.com

Attorneys for Defendant GSUSA

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant's Notice of Motion to Dismiss Plaintiff's Complaint or, in the Alternative, to Transfer Venue or to Stay Proceedings was served this 6th day of August, 2012, via the Court's CM/ECF system, upon:

# WALLER LANSDEN DORTCH & DAVIS, LLP

Ames Davis (BPR #3826)
James B. Bristol (BPR #19251)
Nashville City Center
511 Union Street, Suite 2700
Telephone: (615) 244-6380
Fax: (615) 244-6804
ames.davis@wallerlaw.com
james.bristol@wallerlaw.com

Attorneys for Plaintiff
Girl Scouts of Middle Tennessee, Inc.

#### **HOGAN LOVELLS US LLP**

By: /s/ Kenneth Kirschner Kenneth Kirschner, Esq. 875 Third Avenue New York, NY 10022 Telephone: (212) 918-3000 Facsimile: (212) 918-3100

kenneth.kirschner@hoganlovells.com