

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

PASTOR WILLIAM H. LAMAR IV, PASTOR  
DELMAN L. COATES, and THE PRAXIS  
PROJECT, on behalf of themselves and the general  
public,

Plaintiffs,

v.

THE COCA-COLA COMPANY, and the  
AMERICAN BEVERAGE ASSOCIATION,

Defendants.

Case No. 2017 CA 004801 B

Honorable Judge Elizabeth C. Wingo

Next Event: Motions Hearing  
March 15, 2018 at 11:00 AM

**DEFENDANT AMERICAN BEVERAGE ASSOCIATION'S NOTICE OF MOTION TO  
DISMISS PURSUANT TO D.C. SUPERIOR COURT RULE 12(B)**

Pursuant to the District of Columbia Superior Court Rule of Civil Procedure 12(b), Defendant American Beverage Association (the "ABA"), by and through its undersigned counsel, respectfully moves for an order dismissing Plaintiffs' claim against the ABA with prejudice.

For the reasons set forth more fully in the accompanying Memorandum of Law, and the exhibits attached thereto, dismissal is warranted because Plaintiffs William H. Lamar IV ("Lamar"), Delman L. Coates ("Coates"), and The Praxis Project ("Praxis") fail to plausibly allege any facts entitling them to relief under the D.C. Consumer Protection Procedures Act ("CPPA"), D.C. Code §§ 28-3901 *et seq.* See D.C. Super. Ct. R. 12(b)(6). In addition, Plaintiffs lack standing to bring this lawsuit. See D.C. Super. Ct. Rule 12(b)(1).

**RULE 12-I(a) Certification**

Pursuant to Rule 12-I(a), counsel for the ABA consulted with counsel for Plaintiffs on October 20, 2017. Plaintiffs do not consent to the relief requested herein.

## **Oral Hearing Requested**

Pursuant to Rule 12-I(h), the ABA respectfully requests that the Court hold a hearing on this motion.