

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

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|-----------------------------|---|-----------------------------------|
| TAMARA GREEN, <i>et al.</i> |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No.: 14-cv-30211-MGM |
| |) | |
| WILLIAM H. COSBY, JR., |) | ORAL ARGUMENT REQUESTED |
| Defendant. |) | |
| |) | |
| |) | |

**DEFENDANT’S MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM
AS TO COUNT II (Plaintiff Serignese)**

Defendant William H. Cosby, Jr. (“Mr. Cosby”) hereby moves this Court pursuant to Fed R. Civ. P. 12(b)(6) to dismiss Count II of the Amended Complaint asserted against Mr. Cosby by Plaintiff Therese Serignese (“Plaintiff Serignese”). As set forth more fully in William H. Cosby Jr.’s Memorandum of Law In Support of His Motions to Dismiss filed herewith, the Grounds for this motion are that Count II fails to state a claim against Mr. Cosby for which relief may be granted because:

- The November 21 Statement (Exhibit D to the Declaration of Martin D. Singer and constituting the sole statement allegedly defamatory of Plaintiff Serignese) is a constitutionally protected opinion;
- The November 21 Statement lacks defamatory meaning;
- The November 21 Statement is protected by the privilege of self-defense;
- The November 21 Statement is not of and concerning Plaintiff Serignese; and

- Plaintiff Serignese has failed to adequately plead that the person who made the November 21 Statement acted with fault.

REQUEST FOR ORAL ARGUMENT

Mr. Cosby believes that oral argument may be of assistance to the Court and hereby requests that the Court set a date for a hearing on this motion.

The Defendant,
William H. Cosby, Jr.
By His Attorneys:

PATTERSON BELKNAP WEBB & TYLER LLP

Dated: February 27, 2015

By: /s/ Robert P. LoBue
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CERTIFICATE OF SERVICE AND
COMPLIANCE WITH LOCAL RULE 7.1(2)

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), this 27 day of February, 2015. I further certify that Francis D. Dibble and I conferred with Plaintiffs' counsel Joseph Cammarata by telephone on February 20, 2015, and attempted in good faith to narrow or resolve the issues between the parties, but were unsuccessful.

/s/ Robert P. LoBue
Robert P. LoBue

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