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8 Attorney for Defendant  
9 THE ALIERA COMPANIES INC.

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 CORLYN DUNCAN and BRUCE  
13 DUNCAN, individually and on behalf of all  
14 others similarly situated,

15 Plaintiffs,

16 v.

17 THE ALIERA COMPANIES INC., formerly  
18 known as Alera Healthcare, Inc., a Delaware  
19 corporation; and TRINITY  
20 HEALTHSHARE, INC., a Delaware  
21 corporation,

22 Defendants.

CASE NO. 2:20-cv-867-TLN-KJN

**NOTICE OF DEFENDANT THE  
ALIERA COMPANIES INC.'S  
MOTION TO DISMISS, OR  
ALTERNATIVELY, TO COMPEL  
ARBITRATION**

Hearing

Date: August 20, 2020

Time: 2:00 p.m.

Ctrm: 2

Hon. Troy L. Nunley

23 **NOTICE OF DEFENDANT THE ALIERA COMPANIES INC.'S MOTION TO DISMISS,**  
24 **OR ALTERNATIVELY, TO COMPEL ARBITRATION**

25 **TO THE HONORABLE COURT, ALL PARTIES, AND COUNSEL OF RECORD**

26 **PLEASE TAKE NOTICE** that on August 20, 2020 at 2:00 p.m. in Courtroom 2 of the  
27 above-referenced Court, located at 501 I Street, Sacramento, California 95814, Defendant The  
28 Aleria Companies Inc. ("Aleira"), formerly known as Alera Healthcare, Inc., will move to dismiss  
Plaintiffs Corlyn Duncan and Bruce Duncan's (collectively, "Plaintiffs") Class Action Complaint  
because the Duncans failed to pursue mediation of their claims.

1 In the alternative, Aleria will, and hereby does, move this Court for an order compelling  
2 individual arbitration of all claims asserted against Aleria in the Complaint pursuant to the Federal  
3 Arbitration Act ("FAA"), 9 U.S.C. § 1 *et seq.* because Plaintiffs agreed to arbitrate all disputes with  
4 Aleria.

5 This Motion is based upon this Notice of Motion and Motion with the incorporated Brief,  
6 all evidence submitted in support thereof and all evidence for which the Court may take judicial  
7 notice, any oral argument of counsel heard by the Court, and all other information as may be  
8 presented to the Court.

9 Respectfully submitted on June 10, 2020.

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11  
12 Dated: June 10, 2020

**BURR & FORMAN LLP**

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14 By: /s/ Alan D. Leeth  
Alan D. Leeth

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21 *Attorneys for Defendant*  
22 THE ALIERA COMPANIES INC.  
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**CERTIFICATE OF SERVICE**

A copy of the foregoing **NOTICE OF DEFENDANT THE ALIERA COMPANIES INC. MOTION TO DISMISS, OR ALTERNATIVELY, TO COMPEL ARBITRATION** has been filed this 10th day of June, 2020 through the Court's CM/ECF system, which will send notification of such filing to all parties of record. All parties may access the foregoing via the Court's CM/ECF system.

*s/ Alan D. Leeth*  
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Alan D. Leeth