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10 UNITED STATES DISTRICT COURT  
 11 CENTRAL DISTRICT OF CALIFORNIA  
 12 WESTERN DIVISION

FENWICK & WEST LLP  
 ATTORNEYS AT LAW

14 KYLAND YOUNG, individually and on  
 behalf of all others similarly situated,

15 Plaintiff,

16 v.

17 NEOCORTEXT, INC.,

18 Defendant.

Case No.: 2:23-cv-02496-WLH(PVCx)

**DEFENDANT NEOCORTEXT,  
 INC.'S NOTICE OF MOTION AND  
 SPECIAL MOTION TO STRIKE  
 PLAINTIFF'S CLAIM PURSUANT  
 TO CAL. CIV. PROC. CODE  
 § 425.16**

Date: July 14, 2023  
 Time: 1:30 p.m.  
 Dept: Courtroom 9B  
 Judge: Hon. Wesley L. Hsu  
 Trial Date: None

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**NOTICE OF MOTION AND MOTION TO STRIKE**

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that on July 14, 2023, at 1:30 p.m., or as soon thereafter as counsel may be heard, in Courtroom 9B of the above-entitled Court, located at 350 W. 1st Street, Los Angeles, CA 90012, Defendant NeoCortext, Inc., will, and hereby does, move this Court to strike Plaintiff Kyland Young’s right of publicity claim pursuant to Cal. Civ. Proc. Code § 425.16, and award NeoCortext its fees and costs under Cal. Civ. Proc. Code § 425.16(c) on the grounds that:

(1) Plaintiff’s claim arises from protected activity; and

(2) Plaintiff cannot demonstrate a probability of prevailing on his right of publicity claim.

Defendant’s Motion is made on this Notice, the accompanying Memorandum of Points and Authorities, all pleadings and papers that are of record in this case, and on such other and further evidence as may be offered at the hearing.

This Notice of Motion is made following the conference of counsel for Defendants and Plaintiff under L.R. 7-3, which took place on May 24, 2023, where the parties thoroughly discussed the substance and potential resolution of the filed motion by videoconference. The parties were unable to reach a resolution, and Plaintiff opposes the Motion.

Dated: May 31, 2023

FENWICK & WEST LLP

By: /s/ Tyler G. Newby  
Tyler G. Newby

Attorneys for Defendant  
NEOCORTEXT, INC.

FENWICK & WEST LLP  
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            a. Plaintiff’s claim arises from conduct in a public forum. .... 5

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        2. Reface involves rights of free speech in connection with a public issue or an issue of public interest..... 7

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