

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

FRANKLIN CALIFORNIA TAX-FREE
TRUST, et al.,

Plaintiffs,

vs.

THE COMMONWEALTH OF PUERTO
RICO, et al.,

Defendants.

Case No. 14-1518

Hon. Francisco A. Besosa

**MOTION TO DISMISS THE FRANKLIN PLAINTIFFS' SECOND AMENDED
COMPLAINT SUBMITTED BY THE COMMONWEALTH OF PUERTO RICO,
GOVERNOR ALEJANDRO J. GARCIA PADILLA, AND JOHN DOE,
AGENT FOR THE GOVERNMENT DEVELOPMENT BANK FOR PUERTO RICO**

Upon the Memorandum of Law in Support of the Commonwealth Defendants' Motion to Dismiss the Franklin Plaintiffs' Second Amended Complaint and the BlueMountain Plaintiffs' Amended Complaint, and in Opposition to the Franklin Plaintiffs' Cross-Motion for Summary Judgment, dated September 12, 2014, the Commonwealth of Puerto Rico, Governor Alejandro J. García Padilla, in his official capacity, and John Doe, agent for the Government Development Bank for Puerto Rico¹ (collectively, the "Commonwealth Defendants") will move this Court before the Honorable Francisco A. Besosa, United States District Judge, for an order dismissing the Second Amended Complaint.

The Commonwealth Defendants have already briefed a motion to dismiss an earlier version of the Franklin Plaintiffs' complaint. [Dkt. 10.] This motion, which is directed at the

¹ The GDB Agent moves to dismiss despite the fact that neither GDB nor its agent has been served with the complaint. The GDB Agent reserves its rights to object to the sufficiency of service of process pursuant to Fed. R. Civ. P. 12(b)(5) if service is not perfected within the time limit set forth in Fed. R. Civ. P. 4(m).

Franklin Plaintiffs' Second Amended Complaint [Dkt. 85], supersedes that earlier motion and memorandum in support thereof. For the reasons stated in the memorandum now submitted herewith, this Court should dismiss the Second Amended Complaint.

Respectfully Submitted,

Dated: September 12, 2014

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Secretary of Justice

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this same date I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

In San Juan, Puerto Rico, this 12th day of September 2014.

s/Janitza M. García-Marrero

Janitza M. García-Marrero