

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TINAMARIE BARRALES and MICHAEL  
WILLIAMS, *individually and on behalf of all those  
similarly situated,*

Plaintiffs,

v.

GHOST BEVERAGES LLC, and MONDELEZ  
INTERNATIONAL, INC.,

Defendants.

Case No.: 1:24-cv-1185

**DEFENDANT GHOST BEVERAGES LLC'S MOTION TO DISMISS**

Defendant Ghost Beverages LLC (“Ghost”) hereby moves to dismiss the Complaint, and each claim therein, of Plaintiffs Tinamarie Barrales and Michael Williams. Ghost’s motion is based upon Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The grounds for Ghost’s Motion are that (1) Plaintiffs fail to state a claim upon which relief can be granted, (2) Plaintiffs fail to allege facts establishing Article III standing to bring any claims as to products they did not purchase, and (3) Plaintiffs fail to allege facts establishing Article III standing to pursue injunctive relief. The grounds for the motion are more fully set forth in the accompanying Memorandum of Law in Support, filed concurrently herewith.

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This motion is based on this motion, the accompanying Memorandum of Law, the Declaration of Michael Wilke, and on such matters and arguments that may be presented to the Court at or before any hearing on this matter.

Dated: May 13, 2024

/s/ William P. Cole

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**CERTIFICATE OF SERVICE**

I hereby certify that, on May 13, 2024, a copy of the foregoing Memorandum in Support was filed electronically via the Court's CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

*/s/ William P. Cole*  
William P. Cole