

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

KATHLEEN MOLLER,

Plaintiff,

v.

**MARTIAN SALES, INC.; JOPEN,
LLC; JOHNSON FOODS, LLC; LP
IND., LLC; CAG HOLDINGS, LLC;
RMH HOLDINGS, INC.; ABC
INSURANCE COMPANY and John
Does 1-4,**

Defendants.

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CIVIL ACTION NO. 2:24-cv-228-WBV-DPC

THE HONORABLE WENDY B. VITTER

**MAGISTRATE DONNA PHILLIPS
CURRAULT**

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants LP Ind., LLC; CAG Holdings, LLC; RMH Holdings, Inc.; Martian Sales, Inc.; Johnson Foods, LLC; JOpen, LLC; Nuza, LLC; Calibre Manufacturing, LLC; FMK Group, Inc.; PNW Holdings, LLC; CC US Holdings, LLC; Peyton Palaio; Mark Jennings; David Gabbay; and Mark Reilly (collectively "Defendants") pursuant to Federal Rule of Civil Procedure 56, respectfully move this Honorable Court for summary judgment on all claims asserted against them should the Court deny Defendants' pending Motion to Dismiss, for the reasons stated in the attached Memorandum in Support of Defendants' Motion for Summary Judgment.¹

¹ All Defendants have moved to dismiss the Complaint under Rule 12(b)(6). All Defendants other than JOpen have moved to dismiss the Third Amended Complaint under Rule 12(b)(2) for lack of personal jurisdiction. Dkt. 122. The Court must find that it has personal jurisdiction over each defendant before it makes any decision on the merits. *Sinochem Int'l Co. v. Malaysia Int'l Shipping Corp.*, 549 U.S. 422, 430, 127 S.Ct. 1184, 167 L.Ed.2d 15 (2007). Other than JOpen, each Defendants' request for summary judgment is contingent upon the Court first finding personal jurisdiction over them.

Dated this 2nd day of March, 2026.

Respectfully Submitted

By: /s/ Gwendolyn C. Payton

Gwendolyn C. Payton (*pro hac vice*)

Hayley R. Ambler

Louisiana State Bar No. 25848

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COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that on the 2nd day of March, 2026, a copy of the foregoing document was filed with the Clerk of Court and served on all counsel of record via the Court's ECF System.

/s/ Gwendolyn C. Payton

Gwendolyn C. Payton