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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

AFG Companies, Inc., )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No.: 25-CV-00104  
 )  
 GENUINE LIFETIME LLC, a Wyoming )  
 Limited Liability Company; BRAND )  
 ENGAGEMENT NETWORK INC., a Wyoming )  
 For Profit Corporation, d/b/a BEN AI, d/b/a BEN, )  
 f/k/a BLOCKCHAIN EXCHANGE NETWORK )  
 INC.; OCTOBER 3<sup>RD</sup> HOLDINGS, LLC, a )  
 Wyoming Limited Liability Company; MICHAEL )  
 LUCAS, individually; TYLER LUCK, individually, )  
 DUE FIGLIE, LLC, a Wyoming Limited Liability )  
 Company, SHAWN LUCAS, individually, )  
 )  
 Defendants. )

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**DEFENDANTS' MOTION TO DISMISS**

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The Defendants Genuine Lifetime LLC (“Genuine”), Brand Engagement Network Inc. (“BEN”), October 3rd Holdings, LLC (“October”), Michael Lucas, Due Figlie, LLC (“Figlie”), and Shawn Lucas (collectively “Defendants”), through their counsel, Crowley Fleck PLLP, hereby moves to dismiss Claims IV (Unjust Enrichment), VI (Civil Conspiracy to Commit Fraud), VII

(Fraud and Constructive Fraud), VII ( Securities Fraud) and X (Business Defamation and Business Defamation Per Se) as alleged in Plaintiff's *Complaint* under FED. R. CIV. P. Rule 12(b)(6) and 12(b)(9). As explained in the Brief in Support of Motion to Dismiss submitted contemporaneously herewith, Plaintiff has not alleged facts that support plausible claims or theories under either federal or state law against Defendants for the above mentioned claims.

Defendants further request a finding that Plaintiff failed to properly serve Shawn Lucas, and request the Court require Plaintiff to properly effectuate service before this court obtains jurisdiction over Defendant Shawn Lucas.

Respectfully submitted this 5<sup>th</sup> day of May 2025.

/s/ *Timothy M. Stubson*  
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**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the foregoing document was served on May 5, 2025, via electronic filing to the following:

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/s/

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