

[Sender's Name]
[Sender's Law Firm]
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[Phone Number]

[Date]

[Recipient's Name]
[Recipient's Law Firm]
[Address]
[City, State, Zip Code]

Re: Meet and Confer Regarding Deficient Fraud Pleadings in [Case Name/Number]

Dear [Opposing Counsel Name],

I represent [Defendant's Name] in the above-referenced matter. This letter serves as a formal meet and confer effort regarding your [Complaint/Amended Complaint] filed on [Date]. Specifically, my client intends to file a Motion to Dismiss the fraud claim (Count [Number]) for failure to plead with particularity as required by Rule 9(b) of the [Federal/State] Rules of Civil Procedure.

As currently drafted, the Complaint fails to satisfy the heightened pleading standards for fraud. A claim for fraud must state with particularity the circumstances surrounding the alleged misconduct. Your current filing fails to specifically identify:

- The specific false representations made;
- The identity of the person(s) who made the statements;
- The specific time, date, and location where the statements were made;
- The exact manner in which the statements were misleading; and
- The specific facts giving rise to a strong inference of fraudulent intent (scienter).

Generalized allegations and "information and belief" pleading are insufficient to satisfy the "who, what, when, where, and how" requirements of the law. To avoid unnecessary motion practice and the expenditure of judicial resources, we request that you voluntarily withdraw or amend the fraud claim to cure these deficiencies by [Deadline Date].

I am available to discuss this matter via telephone on [Date] at [Time]. Please let me know if you are available at that time, or suggest an alternative time so that we may fulfill our meet and confer obligations.

If we cannot reach an agreement, we will proceed with the filing of our Motion to Dismiss and will seek all available remedies, including costs and fees where applicable.

Sincerely,

[Signature]

[Printed Name]

Counsel for [Defendant's Name]