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July 2, 2012

OUR FILE NUMBER
905900-321

VIA ECF SYSTEM

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United States Court of Appeals for the Ninth Circuit
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Re: Larson v. Warner Bros. Entm't Inc., Nos. 11-55863, 11-56034

Dear Ms. Dwyer:

Appellant Laura Siegel Larson recently submitted a FRAP 28(j) letter purporting to bring new authority to the Court's attention. Dkt. No. 53. This "authority" was an order, issued by a clerk of this Court, denying DC's Motion to Supplement the Record in a related case, *DC Comics v. Pacific Pictures Corp.*, No. 11-56934. DC writes to clarify two points.

First, Larson suggests the denial of the Motion to Supplement in *Pacific Pictures* is relevant to two pending motions in this case, Larson's Motion to Strike (Dkt. 42) and DC's Motion for Judicial Notice (Dkt. 48). But the motions in this case concern DC's request that the Court take judicial notice of certain documents, while the *Pacific Pictures* motion concerned a request that the Court exercise its inherent authority to supplement the record; indeed, the order denying the Motion to Supplement in *Pacific Pictures* explicitly provided that DC could renew its request for judicial notice in a separate filing. Because the motions are different, the procedure for deciding them differs as well—the *Pacific Pictures* motion was decided by a clerk under Circuit Rule 27-7, while a motion for judicial notice should be "retained for review by the panel that will consider the merits of a case" pursuant to Circuit Rule 27-1(7).

Second, the order in *Pacific Pictures* is still subject to further review, and DC intends to request reconsideration of a portion of the order.

Respectfully submitted,

/s/ Daniel M. Petrocelli

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cc: All Counsel