

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No. 12-9591-CAS (MANx) Date February 6, 2013

Title JIBJAB MEDIA, INC. V. HYUNDAI MOTOR AMERICA, ET AL.

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants

Not Present

Not Present

Proceedings: (In Chambers:) DEFENDANTS EDISON MOTOR CARS, INC. AND BRAD BENSON'S MOTION TO DISMISS (filed January 10, 2013)

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of February 11, 2013 is vacated, and the matter is hereby taken under submission.

On November 8, 2012, plaintiff JibJab Media, Inc. filed suit against Hyundai Motor America, Hub Strategy and Communication, Brad Benson, and three Hyundai auto dealerships: Edison Motor Cars, Inc. dba Brad Benson Auto Group, Plaza Hyundai, Ltd., and Robert Tingley dba Larry H. Miller Hyundai of Hillsboro. Dkt. No. 1. Plaintiff alleges that defendants aired various commercials that infringe upon plaintiff's copyrighted works, in violation of state and federal law.

On January 10, 2013, defendants Brad Benson and Edison Motor Cars filed a motion to dismiss for lack of personal jurisdiction, improper venue, and failure to state a claim upon which relief may be granted. Dkt. No. 15. Additionally, or in the alternative, moving defendants seek to sever and transfer plaintiff's claims against them to the United States District Court for the District of New Jersey. On January 18, 2013, plaintiff filed a "response" to defendants' motion, stating its intention to file an amended complaint on or before January 31, 2013. Dkt. No. 17. On January 31, 2013, plaintiff filed its First Amended Complaint ("FAC"). Dkt. No. 28.

On February 4, 2013, moving defendants filed a reply in support of their motion. Dkt. No. 31. Defendants posit that plaintiff's FAC does not affect the validity of the arguments they made in their motion that was directed at plaintiff's original complaint,

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and therefore defendants argue that the Court should grant their motion as to the FAC. The Court declines to do so. Because the FAC is now the operative complaint in this case, defendants must bring a renewed motion if they seek dismissal or transfer of the claims asserted against them.

Accordingly, in light of plaintiff's filing its FAC, the Court DENIES defendants' motion as moot.

IT IS SO ORDERED.

Initials of Preparer

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CMJ
