

Howard Avchen & Shapiro LLP

Glaser Weil Fink Jacobs

TO THE HONORABLE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff LegalZoom.com, Inc., hereby objects to the filing made by defendant
Rocket Lawyer Incorporated entitled "NOTICE FOR JUDGMENT INDEPENDENT
OF MOTION PURSUANT TO FED. R. CIV. PROC. 56(F)," ECF No. 88 (the "RL
Notice").

There is no provision in Federal Rule 56(f) for a party, in contrast to the Court, 7 to provide a notice seeking judgment independent of a motion. Only the Court may 8 provide such a notice and thereby seek a judgment *sua sponte*. For that reason, the 9 10 RL Notice is wholly improper and stands as an attempt to provide additional summary judgment briefing in violation of court rules, and in violation of both the 11 letter and spirit of the parties' "STIPULATION RE SUMMARY JUDGMENT 12 BRIEFING SCHEDULE" which was granted by this Court by an order entered July 13 18, 2014 (ECF No. 73). 14

Accordingly, LegalZoom's decision not to respond substantively to the RL
Notice should not be interpreted as any waiver of any positions, or as an
acknowledgment of what is stated therein. For all of the reasons stated in
LegalZoom's motion for partial summary judgment and its reply memorandum, there
is no genuine dispute as to the material facts and the Court should dismiss Counts IV,
V and VI of Rocket Lawyer's Counterclaim, together with its affirmative defense
based on unclean hands, as a matter of law.

²² DATED: August 4, 2014

GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

BY: <u>/S/ FRED HEATHER</u> PATRICIA L. GLASER FRED D. HEATHER AARON P. ALLAN Attorneys for Plaintiff LegalZoom.com, Inc.

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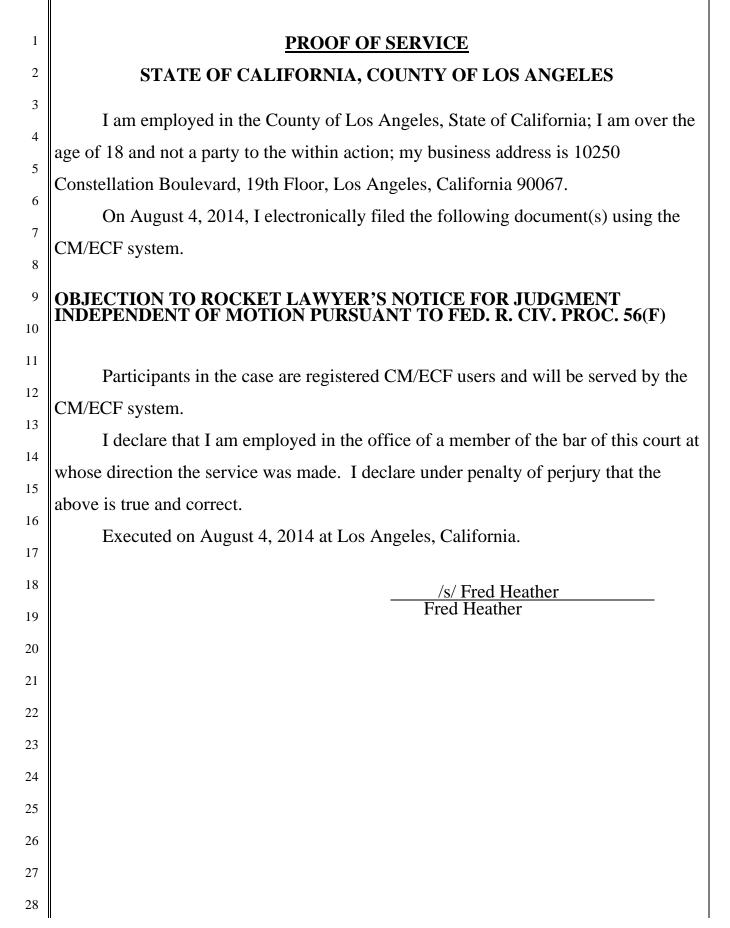
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