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9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA
 11 WESTERN DIVISION

Glaser Weil Fink Jacobs
 Howard Avchen & Shapiro LLP

12 LEGALZOOM.COM, INC., a Delaware
 13 corporation,
 14 Plaintiff,
 15 v.
 16 ROCKET LAWYER INCORPORATED,
 a Delaware corporation,
 17 Defendant.

CASE NO.: CV 12-9942-GAF (AGR_x)
 Hon. Gary A. Fees

**OBJECTION TO ROCKET
 LAWYER'S NOTICE FOR
 JUDGMENT INDEPENDENT OF
 MOTION PURSUANT TO FED. R.
 CIV. PROC. 56(f)**

Date: August 18, 2014
 Time: 9:30 a.m.
 Courtroom: 740

[Evidentiary Objections filed
 concurrently herewith]

Complaint Filed: November 20, 2012

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

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

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

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

22 DATED: August 4, 2014

GLASER WEIL FINK
HOWARD AVCHEN & SHAPIRO LLP

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

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On August 4, 2014, I electronically filed the following document(s) using the CM/ECF system.

**OBJECTION TO ROCKET LAWYER’S NOTICE FOR JUDGMENT
INDEPENDENT OF MOTION PURSUANT TO FED. R. CIV. PROC. 56(F)**

Participants in the case are registered CM/ECF users and will be served by the CM/ECF system.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on August 4, 2014 at Los Angeles, California.

/s/ Fred Heather
Fred Heather