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14 *Attorneys for Defendant*
15 **ROCKET LAWYER INCORPORATED**

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**
18 **WESTERN DIVISION**

19 LEGALZOOM.COM, INC., a Delaware
20 corporation,

21 Plaintiff,

22 v.

23 **ROCKET LAWYER**
INCORPORATED, a Delaware
24 corporation,

25 Defendant.

Case No. 2:12-cv-09942-GAF-AGR

**AMENDED NOTICE OF MOTION
FOR SUMMARY JUDGMENT
AND/OR ADJUDICATION;
MEMORANDUM OF POINTS AND
AUTHORITIES**

Date: September 22, 2014
Time: 9:30 a.m.
Judge: Judge Gary A. Feess
Courtroom: 740
255 East Temple Street
Los Angeles, CA 90012
Action Filed: November 20, 2012

1 **TO THE COURT, PLAINTIFF, AND ITS ATTORNEYS OF RECORD:**

2 **WHEREAS**, the parties' cross-motions for summary judgment were
3 previously scheduled to be heard on August 18, 2014;

4 **WHEREAS**, the Court entered an order on August 12, 2014, continuing the
5 hearing on the parties' respective motions to permit the parties to complete a
6 mediation with Hon. William Cahill (Ret.), and set a deadline of September 22,
7 2014, for such motions to be heard;

8 **WHEREAS**, the parties started mediating with Judge Cahill on September 3,
9 2014;

10 **WHEREAS**, Rocket Lawyer was notified on September 10, 2014, that
11 mediation had been terminated; and

12 **WHEREAS**, Rocket Lawyer would like to provide the Court with as much
13 time as possible to review the motions before hearing and deciding the matter.

14 **ACCORDINGLY, PLEASE TAKE NOTICE THAT** on September 22,
15 2014 at 9:30 a.m., or as soon thereafter as the matter may be heard, in Courtroom
16 740 before the Honorable Gary A. Feess of the Central District Court of California,
17 located at 255 East Temple Street, Los Angeles, CA 90012, defendant Rocket
18 Lawyer Incorporated ("Rocket Lawyer") will move and hereby does move for
19 summary judgment and/or adjudication as to the First Amended Complaint.

20 Rocket Lawyer brings this motion pursuant to Federal Rule of Civil
21 Procedure 56 and seeks summary judgment and/or adjudication based upon this
22 Amended Notice of Motion and Motion, the previously-filed supporting
23 Memorandum of Points and Authorities (ECF No. 67), the previously-filed Separate
24 Statement of Undisputed Facts (ECF Nos. 66 & 112), the previously-filed Reply
25 (ECF No. 92), all previously-filed supporting declarations (ECF Nos. 60-1, 61, 62-2,
26 68, 93, & 113), the documents filed in this action, the entire record, any oral
27 argument that may be presented at hearing, and any other matter that the Court
28 deems appropriate.

1 Now that the parties have engaged in discovery, the evidence demonstrates no
2 triable issue of fact that Rocket Lawyer’s advertisements are not false and/or
3 misleading. LegalZoom.com, Inc., cannot create a dispute of fact from a survey that
4 relied on unsound methodology and that was conducted contrary to the Court’s
5 order and governing law that advertisements must be viewed in context. As such,
6 the Court should grant judgment in favor of Rocket Lawyer. In the alternative,
7 Rocket Lawyer will and hereby does move for summary adjudication on all issues
8 about which there can be no genuine dispute of fact.

9 Dated: September 10, 2014

Respectfully submitted,

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By: _____ /s/ Brian W. Cook
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