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 12
 13 **THE UNITED STATES DISTRICT COURT**
FOR THE CENTRAL DISTRICT OF CALIFORNIA
 14

15 ENTREPRENEUR MEDIA, INC.,

16 Plaintiff,

17 vs.

18 EYGN Limited, ERNST & YOUNG
 LLP and ERNST & YOUNG
 19 ADVISORY INC.,

20 Defendants.

Case No. SACV08-0608 DOC (MLGx)

**NOTICE OF ERNST & YOUNG
 LLP'S MOTION FOR JUDGMENT
 ON THE PLEADINGS OR, IN THE
 ALTERNATIVE, TO TRANSFER**

Date: December 22, 2008

Time: 8:30 a.m.

Courtroom: 9D

Judge: Honorable David O. Carter

21 EYGN Limited and ERNST &
 22 YOUNG LLP,

23 Counterclaim-Plaintiffs,

24 vs.

25 ENTREPRENEUR MEDIA, INC., a
 New York corporation,

26
 27 Counterclaim-Defendant.
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1 **TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:**


2 **PLEASE TAKE NOTICE** that on December 22, 2008, at 8:30 a.m. or as soon
3 thereafter as may be heard, defendant Ernst & Young LLP (“Ernst & Young”) will move
4 for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) or, in the alternative, to
5 transfer pursuant to 28 U.S.C. § 1404(a), before the Honorable David O. Carter, in
6 Courtroom 9D of the United States District Court for the Central District of California,
7 411 West Fourth Street, Santa Ana, California 92701. Dismissal is warranted under Fed.
8 R. Civ. P. 19 and/or the Court’s discretion not to entertain actions under the Declaratory
9 Judgment Act because Plaintiff has failed to join a required party. Alternatively, the
10 interest of justice weighs in favor of transfer of this action to the Southern District of
11 New York, where a parallel proceeding is pending.

12 This motion is based on this notice; the accompanying Memorandum of Points and
13 Authorities in Support of Ernst & Young’s Motion; the declarations and other evidence
14 filed in support of Ernst & Young’s motion, including the declarations of Victoria
15 Cochrane, Doris Stamml, Larry J. Haynes and Craig S. Mende; all prior pleadings and
16 proceedings in this matter; and all oral and written evidence to be presented at the
17 hearing, if any, on this motion.

18 On August 1, October 21 and October 29, 2008, counsel for the parties met and
19 conferred concerning this motion pursuant to Local Rule 7-3.

20 DATED: November 12, 2008
21 BERRY & PERKINS,
22 A Professional Corporation

Respectfully submitted,
FROSS ZELNICK LEHRMAN & ZISSU, P.C.

23 By: 
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