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 6 Attorneys for Defendant The Board of Trustees  
 of the California State University and Robert A. Rauch

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 8 UNITED STATES DISTRICT COURT  
 9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 MARKETING INFORMATION )  
 12 MASTERS, INC., a California )  
 corporation, )  
 13 Plaintiff, )  
 14 v. )  
 15 THE BOARD OF TRUSTEES OF THE )  
 16 CALIFORNIA STATE UNIVERSITY, )  
 WHICH IS THE STATE OF )  
 17 CALIFORNIA ACTING IN ITS )  
 HIGHER EDUCATION CAPACITY )  
 (erroneously sued herein as THE )  
 18 BOARD OF TRUSTEES OF THE )  
 CALIFORNIA STATE UNIVERSITY )  
 19 SYSTEM, A PUBLIC ENTITY )  
 ACTING THROUGH ITS )  
 20 SUBDIVISION SAN DIEGO STATE )  
 UNIVERSITY); and ROBERT A. )  
 21 RAUCH, an individual, )  
 22 Defendants.

CASE NO. 06CV1682 JAH/JMA  
**NOTICE OF JOINDER BY CO-  
 DEFENDANT ROBERT A. RAUCH  
 IN THE BOARD OF TRUSTEES OF  
 THE CALIFORNIA STATE  
 UNIVERSITY'S MOTION TO  
 DISMISS PURSUANT TO FRCP  
 12(b)(1) AND 12(b)(6)**

ACTION FILED: August 18, 2006  
 Hearing Date: November 16, 2006  
 Time: 10:30  
 Dept: 11

23 TO PLAINTIFF MARKETING INFORMATION MASTERS, INC. ("MIM"),  
 24 AND ITS ATTORNEYS OF RECORD:

25 PLEASE TAKE NOTICE that co-defendant ROBERT A. RAUCH ("Rauch")  
 26 hereby joins in defendant THE BOARD OF TRUSTEES OF THE CALIFORNIA  
 27 STATE UNIVERSITY (the "Trustees") motion for an order dismissing MIM's entire  
 28

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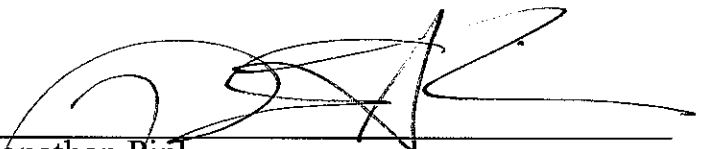
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complaint for lack of subject matter jurisdiction pursuant to Federal Rules of Civil Procedure Rule 12(b).

Rauch's joinder is based on the fact that, as an employee of the Trustees who was working in his capacity as such at all times relevant to the underlying action, Rauch's basis for seeking a dismissal of this action is the same as that set forth in the Trustee's pending motion. Therefore, pursuant to Local Rule 7.1 (1) and (2), and based this Notice of Joinder, Rauch hereby: (1) joins the Trustee's motion; and (2) requests that the relief sought therein apply equally to the claims MIM asserted against him.

DATED: September 18, 2006      Respectfully submitted,

**LEWIS BRISBOIS BISGAARD & SMITH LLP**

By   
Jonathan Pink  
Member of Lewis Brisbois Bisgaard & Smith LLP  
Attorneys for Defendant Board of Trustees of  
the California State University and Robert A.  
Rauch

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**CERTIFICATE OF SERVICE**

Trustees adv. Marketing Information Masters, Inc.  
USDC Southern, Case #06CV 1682 JAH/JMA (Our 24363.xx)

I hereby certify that a copy of the foregoing **NOTICE OF JOINDER BY CO-DEFENDANT ROBERT A. RAUCH IN THE BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY'S MOTION TO DISMISS PURSUANT TO FRCP 12(b)(1) AND 12(b)(6)** was this date served upon all counsel of record by placing a copy of the same in the United States mail, postage prepaid, and sent to their last known address as follows:

Gregory P. Goonan, Esq.  
The Affinity Law Group APC  
600 West Broadway, Suite 400  
San Diego, CA 92101

Attorney for Plaintiff **MARKETING INFORMATION MASTERS, INC.**  
Phone: 619.702.4335  
Fax: 619.243-0088

Executed on September <sup>20</sup>~~18~~, 2006, at Costa Mesa, California.

  
CAROLYN J. REYES

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