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ORIGINAL

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 CV 736 W JMA

KEVIN VANGINDEREN,

Plaintiff,

v.

CORNELL UNIVERSITY, BERT DEIXLER,

Defendants.

Case No.

NOTICE OF RELATED CASE

Hon.

Action Filed: April 8, 2008

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Pursuant to Local Civil Rule 40.1(e), the undersigned counsel for defendant Cornell University ("Cornell") informs the Court that they are aware of three actions related to the above-captioned case:

1. *Kevin Vanginderen v. Cornell University, Bert Deixler*, Case No. 7-2008-00069807-CU-DF-SC, filed April 8, 2008 in the Superior Court of the State of California, County of San Diego, South County Division, and removed to this Court on April 28, 2008 ("Removed Action");

2. *Kevin Vanginderen v. Cornell University*, Case No. 07-CV-2045-BTM-JMA, removed to this Court on October 29, 2007; and

3. *Kevin Vanginderen v. Cornell University*, Case. No. 37-2007-00076496-CU-DF-SC, filed October 1, 2007 in the Superior Court of the State of California, County of San Diego, South County Division (collectively, "Cornell Cases").

Assignment of the Removed Action to a single judge – specifically, Judge Moskowitz – is likely to conserve judicial resources and eliminate the need for extensive rebriefing of relevant facts. The Removed Action arises from evidence that Cornell filed with the Court in the course of defending against the October 1, 2007 action, which was assigned to Judge Moskowitz after removal to this Court. Most of the evidence relevant to the Removed Action therefore already is on file with Judge Moskowitz, which makes assignment of the Removed Action to him appropriate.

The legal issues in the Cornell Cases are similar and have already been briefed in Cornell's Special Motion to Strike Plaintiff's Complaint Pursuant to Section 425.16 of the California Code of Civil Procedure. Defendants in the Removed Action will file similar Special Motions to Strike on similar grounds.

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For this reason, assignment of the Removed Action to Judge Moskowitz would promote further judicial economy.

DATED: April 28, 2008

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