

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MIKE HARRIS and JEFF DUNSTAN,
Individually and on behalf of a class of
similarly Situated individuals,

Plaintiff,

v.

COMSCORE, INC., a Delaware corporation,

Defendant.

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) Case No. 1:11-5807
)
) Hon. James F. Holderman
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**DEFENDANT’S MOTION TO DISMISS UNDER RULE 12(B)(3) OR, IN THE
ALTERNATIVE, TO TRANSFER VENUE UNDER 28 U.S.C. § 1404(A)**

Defendant comScore, Inc. (“comScore”) by its undersigned counsel, and pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, respectfully requests that this Court dismiss this action because Plaintiffs are subject to a mandatory forum selection clause that designates Virginia courts as the exclusive venue for Plaintiffs’ claims. Alternatively, comScore respectfully requests, pursuant to 28 U.S.C. § 1404(a), that this Court transfer this action to the Eastern District of Virginia because it is a more convenient forum, and because Plaintiffs are subject to a mandatory forum selection clause that designates Virginia courts as the exclusive venue for Plaintiffs’ claims. This Motion is based on this Notice of Motion and Motion, comScore’s supporting Memorandum of Points and Authorities, the supporting declarations of John O’Toole and Ray Sardo filed concurrently herewith, and the court records and files in this Action.

WHEREFORE, comScore respectfully requests that this Court dismiss this action pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, or transfer it to the Eastern District of Virginia pursuant to 28 U.S.C. § 1404(a).

Dated: September 28, 2011

Respectfully submitted,

COMSCORE, INC.

By: /s/ Leonard E. Hudson
One of Its Attorneys

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CERTIFICATE OF SERVICE

The undersigned attorney certifies that he or she caused a copy of the foregoing document to be served on counsel listed below via the Court's CM/ECF online filing system this 28th day of September, 2011.

/s/ Leonard E. Hudson

Attorney for Defendant comScore, Inc.

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