

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

BENJAMIN LIGERI,

Plaintiff,

v.

YOUTUBE, INC., *et al.*,

Defendants.

Case No.: 08 CA 11394 DPW

**ASSENTED-TO MOTION OF DEFENDANTS FOR LEAVE  
TO FILE REPLY BRIEF AND REPLY DECLARATION**

Pursuant to Local Rule 7.1(B)(3), defendants Google Inc. and YouTube LLC (“Defendants”) request leave to file a reply brief and an accompanying Reply Declaration of Lance Kavanaugh in Support of Defendants’ Motion to Dismiss or Transfer. As grounds for this Motion, Defendants’ reply brief and reply declaration provide additional factual evidence to address an issue raised by Plaintiff’s response to Defendants’ Motion to Dismiss or Transfer (the “Motion To Dismiss”). Specifically, Plaintiff avers that there is some purported ambiguity about whether Plaintiff assented to the YouTube Terms of Use in the creation of his YouTube accounts that form the basis of all or part of his claims. Without conceding any actual ambiguity in their opening brief and supporting declaration, Defendants believe that this additional evidence, clarifying any purported ambiguity, will aid the Court in its consideration of the Motion To Dismiss. Defendants’ proposed reply brief is attached hereto as Exhibit A. The reply declaration is attached hereto as Exhibit B. The plaintiff has indicated that he assents to the filing of a reply brief.

Respectfully submitted,

/s/ James Conroy  
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Dated: November 24, 2008

**LOCAL RULE 7.1 CERTIFICATION**

I hereby certify that counsel for Google Inc. and YouTube LLC conferred in good faith with plaintiff in an effort to narrow or resolve the issues raised in this motion, and plaintiff assents to the filing of a reply brief.

/s/ James Conroy  
James Conroy

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing and paper or electronic copies will be delivered to those indicated as non-registered participants on November 24, 2008.

/s/ James Conroy  
James Conroy