

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BENJAMIN LIGERI,

Plaintiff,

v.

YOUTUBE, INC., *et al.*,

Defendants.

Case No.: 08 CA 11394 DPW

DEFENDANTS' MOTION TO DISMISS OR TRANSFER COMPLAINT

Pursuant to Fed. R. Civ. P. 12(b)(6) and 28 U.S.C. § 1404(a), defendants Google Inc. and YouTube, LLC, ("Defendants") hereby moves to dismiss plaintiff's Complaint or transfer it to the Northern District of California. As set forth in the accompanying memorandum of law, this Court should dismiss or transfer plaintiff's Complaint by virtue of the exclusive forum provision in Plaintiff's contract which mandates litigation in California.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Defendants request oral argument on its Motion.

Respectfully submitted,

YouTube, LLC and Google Inc.,

By their attorneys,

/s/ James B. Conroy

James B. Conroy (BBO#096315)

Peter E. Gelhaar (BBO#188310)

DONNELLY, CONROY & GELHAAR, LLP

One Beacon Street, 33rd Floor

Boston, Massachusetts 02108

(617) 720-2880

DATED: October 31, 2008

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that California counsel for Google and YouTube conferred in good faith with the pro se plaintiff in an effort to narrow or resolve the issues raised in this motion.

/s/ James B. Conroy
James B. Conroy

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2008, a true copy of the above was filed electronically via this Court's CM-ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

/s/ James B. Conroy
James B. Conroy