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*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

THE AUTHORS GUILD, INC., ET AL.,

Plaintiffs,

v.

HATHITRUST, ET AL.,

Defendants.

Case No. 11 Civ. 6351 (HB)

**NOTICE OF MOTION FOR  
JUDGMENT ON THE  
PLEADINGS**

**PLEASE TAKE NOTICE** that upon the attached Memorandum of Law in Support of Defendants' Motion for Judgment on the Pleadings Based upon Lack of Subject Matter Jurisdiction, the Declaration of Joseph Petersen in Support of Defendants' Motion for Judgment on the Pleadings Based upon Lack of Subject Matter Jurisdiction, and upon all prior pleadings and proceedings had herein, the Defendants in the above-captioned action will move this Court before the Honorable Harold Baer, Jr., United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, pursuant to Rule 12(c) of the Federal Rules of

Civil Procedure and at a time designated by the Court, for an Order dismissing certain of the claims in the First Amended Complaint dated October 5, 2011 (docket entry No. 4) for lack of subject matter jurisdiction.

**PLEASE TAKE FURTHER NOTICE** that any opposing affidavits and answering memoranda to this motion shall be served within 14 days after service of the moving papers pursuant to Local Civil Rule 6.1(b).

DATED: December 28, 2011  
New York, New York

Respectfully Submitted,

/s/Joseph Petersen  
Joseph Petersen (JP 9071)  
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