

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMI APRIL MUSIC INC. and EMI
BLACKWOOD MUSIC INC.,

Plaintiffs,

-against-

KANYE WEST, an individual, and WEST
BRANDS, LLC, a Delaware limited
liability corporation, individually and d/b/a
YE WORLD PUBLISHING and PLEASE
GIMME MY PUBLISHING,

Defendants.

CASE NO.: 1:19-cv-02127

**NOTICE OF MOTION TO DISMISS,
TRANSFER, OR STAY THE
COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Declaration of Kanye West and the Memorandum of Law Defendants will and hereby do move this Court, before the Honorable Valerie E. Caproni, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 443, New York, NY 10007, at a time and date to be designated by the Court, for an Order dismissing Plaintiffs' Complaint in its entirety pursuant to Federal Rules of Civil Procedure 12(b)(7) and 19, dismissing and transferring Plaintiffs' Complaint in its entirety on *forum non conveniens* to the Central District of California pursuant to 28 U.S.C. § 1404(a), dismissing Plaintiff's Complaint in its entirety in favor of the proceedings pending in the Central District of California, with case caption *Please Gimme My Publishing v. EMI April Music, Inc.*, 19-cv-01527-DMG-FFM (C.D. Cal.) based on first-filed and policy grounds, and granting any other relief as the Court may deem just, proper and equitable.

In the alternative, Defendants will move for a stay of these proceedings pending resolution of the parallel proceedings pending in the Central District of California, with case caption *Please Gimme My Publishing v. EMI April Music, Inc.*, 19-cv-01527-DMG-FFM (C.D. Cal.).

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 6.1(b) of the Southern District of New York, any opposing affidavits and answering memoranda shall be served within fourteen days after service of this motion to dismiss.

PLEASE TAKE FURTHER NOTICE that, in the event that this motion is denied, in whole or in part, Defendants respectfully request thirty days from docketing of the order denying the motion in which to answer the Complaint.

DATED: June 20, 2019
Los Angeles, CA

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