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10 Attorneys for Defendant
MOODY'S CORPORATION

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14
15 SAN JOSE DIVISION
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MICHAEL BLOMQUIST,)
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 Plaintiff,)
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 v.)
)
 WASHINGTON MUTUAL, a Washington)
 corporation; KERRY K. KILLINGER; JOSEPH)
 W. SAUNDERS; COUNTRYWIDE HOME)
 LOANS, INC., a Delaware corporation;)
 ANGELO MOZILLO; WACHOVIA)
 CORPORATION, a North Carolina corporation;)
 KEN THOMPSON; CITIGROUP, a Delaware)
 corporation; SANFORD WEILL; CHARLES)
 PRINCE; GOLDMAN SACHS GROUP, INC., a)
 Delaware corporation; HENRY PAULSON;)
 BEAR STEARNS COMPANIES, INC., a)
 Delaware corporation; JAMES CAYNE; THE)
 MCGRAW HILL COMPANY, INC., a)
 Delaware corporation; HAROLD MCGRAW III;)
 WELLS FARGO & COMPANY, a Delaware)
 corporation; PATRICIA R. CALLAHAN;)
 HERBERT M. SANDLER; ROCK HOLDINGS,)
 INC., a Delaware corporation; EXPERIAN)
 CORPORATION, a Delaware corporation;)
 FIMALAC, INC., a Delaware corporation;)
 MOODYS CORPORATION, a Delaware)
 corporation; JAMES E. GILLERAN; JOHN M.)
 REICH; JOHN D. HAWKE, JR.; JOHN C.)
 DUGAN; SUSAN SCHMIDT BIES; DONALD)
 E. POWELL; SHEILA C. BAIR;)
)
 Defendants.)

No. C-07-04108 JF/HRL

NOTICE OF MOTION OF MOODY'S CORPORATION TO DISMISS THE AMENDED COMPLAINT

Date: July 11, 2008
Time: 9:00 a.m.
Location: Hon. Jeremy Fogel
Courtroom Three

PLEASE TAKE NOTICE that Defendant Moody's Corporation ("Moody's"), by and through its undersigned attorneys, will move this Court, at the Courthouse located at 280 South First Street, San Jose, CA on July 11, 2008 at 9:00 a.m., for an order, pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6), dismissing the Amended Complaint of Plaintiff Michael Blomquist ("Plaintiff" or "Blomquist"), in its entirety, as to Moody's, on the grounds that any and all claims purportedly asserted against Moody's fail as a matter of law because: (i) Plaintiff lacks standing to assert the causes of action asserted; (ii) the statutes invoked by Plaintiff create no private right of action; and/or (iii) Plaintiff wholly fails to plead the necessary elements

1 of any cause of action against Moody's under any standard, including but not limited to the
2 standards of Rule 8 and, as applicable, Rule 9(b), the federal antitrust laws, and the Private
3 Securities Litigation Reform Act ("PSLRA"), and for such other and further relief as this Court
4 deems proper.

5 The legal arguments in support of Moody's motion are set forth in detail in the
6 Memorandum of Points and Authorities in Support of the McGraw-Hill Defendants' Motion to
7 Dismiss the Amended Complaint, each material point of which is fully applicable to Moody's as
8 well as to the corporate McGraw-Hill defendant. Moody's respectfully hereby joins in, adopts,
9 and incorporates in its motion the legal arguments therein.

10 Moody's respectfully requests oral argument on its motion.

11 DATED: May 12, 2008

Respectfully submitted:

BARTKO, ZANKEL, TARRANT & MILLER
A Professional Corporation

SATTERLEE STEPHENS BURKE & BURKE LLP

By Charles G. Miller
Charles G. Miller
Attorneys for Defendant
MOODY'S CORPORATION

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