

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. 15-cv-20782-MARTINEZ/GOODMAN

DENNIS MONTGOMERY,

Plaintiff,

v.

JAMES RISEN et al.,

Defendants.

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**SECOND NOTIFICATION OF NINETY DAYS EXPIRING**

Consistent with Local Rule 7.1(b)(4), Defendants James Risen (“Risen”), Houghton Mifflin Harcourt Publishing Company, and Houghton Mifflin Harcourt Company, improperly sued as HMH Holdings, Inc. (collectively, “Defendants”), state as follows:

1. On May 15, 2015, Defendants filed a Motion to Dismiss or Transfer for Lack of Personal Jurisdiction Over Risen and Houghton Mifflin Harcourt Company, Dismiss or Transfer for Improper Venue, Transfer Under 28 U.S.C. § 1404(a), or Dismiss for Failure to State a Claim (the “Motion to Dismiss or Transfer”). ECF No. 52.
2. On June 1, 2015, Plaintiff Dennis Montgomery filed a Memorandum of Law in Opposition to the Motion to Dismiss or Transfer. ECF No. 63.
3. On June 11, 2015, Defendants filed their Reply in Support of the Motion to Dismiss or Transfer. ECF No. 77.
4. No hearing has been held on the Motion to Dismiss or Transfer.
5. On September 15, 2015, Defendants filed a Notification of Ninety Days Expiring. ECF No. 137.

6. Since Defendants filed the Notification of Ninety Days Expiring, an additional 90 days have passed.

7. In total, the Motion to Dismiss or Transfer has been fully briefed and ready for disposition for over 180 days.

Dated: December 17, 2015

Respectfully submitted,

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– and –

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*Counsel for Defendants*

### **CERTIFICATE OF SERVICE**

I certify that on December 17, 2015, I filed this document with the Clerk of Court using CM/ECF, which will serve this document on all counsel of record.

s/Brian W. Toth