

related briefing. That issue is also the subject of Emerson's related motion to stay the current action while the motion to dismiss or transfer is resolved. (*See* Doc. 13).

Emerson provides the present notice to the Court to advise it that, in the Georgia action, Emerson has filed a motion to enjoin SIPCO from prosecuting this action. (*See* Exh. 1).

Typically, under the First-to-File Rule, the Court hearing the first-filed action is the one to decide which case should proceed. *See RPost Holding, Inc. v. Trend Micro Inc.*, Case No. 2:13-cv-01065-JRG, Doc. No. 29 at 2-3 (E.D. Tex. 2014) (copy filed as Doc. 10-7). Emerson has now put the issue of which case should proceed before the first-filed Georgia Court. Emerson promptly will apprise this Court of any ruling issued by the Georgia court on Emerson's motion.

Dated: February 18, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 18th day of February, 2016, a true and correct copy of the foregoing document has been served via the Court's ECF system to all counsel of record.

/s/ Melissa R. Smith _____
Melissa R. Smith