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Morlan Ty Rogers (MR 3818)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELEKTRA ENTERTAINMENT GROUP INC., a
Delaware corporation; VIRGIN RECORDS
AMERICA, INC., a California corporation; UMG
RECORDINGS, INC., a Delaware corporation;
BMG MUSIC, a New York general partnership;
and SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership,

Plaintiffs,

-against-

PATRICIA SANTANGELO,

Defendant.

-----X

No. 05 CV 2414 (CM)

**NOTICE OF
MOTION**

PLEASE TAKE NOTICE that, upon the annexed affidavit of Morlan Ty Rogers, Esq., the exhibits annexed thereto, the accompanying Memorandum of Law and all prior papers and proceedings herein, the undersigned will move before the Honorable Colleen McMahon, United States District Judge, in Courtroom 521 of the United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601, for an Order, (i) pursuant to Rules 12(b)(6) and 8(a) of the Federal Rules of Civil Procedure, dismissing the Complaint herein on the grounds that it fails to state a claim upon which relief can be granted and does not satisfy the pleading requirements applicable to copyright infringement claims, (ii) pursuant to 17 U.S.C. § 505,

awarding to defendant reasonable attorneys' fees incurred in defending this case, and (iii) granting such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that opposing affidavits and memoranda of law, if any, must be served upon the undersigned within two weeks and must be filed with the Court in accordance with applicable rules, including the Individual Practices of Judge McMahon. Unless such affidavits and memoranda of law are timely served and filed, the relief sought herein may be granted.

Dated: New York, New York
July 14, 2005

BELDOCK LEVINE & HOFFMAN LLP
Attorneys for defendant Patricia Santangelo

By: s/Morlan Ty Rogers
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