

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UMG RECORDINGS, INC., et al,

05 CV 1095 (DGT) (RML)

Plaintiffs,

-against-

MARIE LINDOR,

Defendant.

**NOTICE OF
MOTION**

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PLEASE TAKE NOTICE that, upon the annexed affidavits of Morlan Ty Rogers, Esq. and Aram Sinnreich, the exhibits annexed thereto, the accompanying Memorandum of Law and all prior papers and proceedings herein, the undersigned will move before the Honorable David G. Trager, United States District Judge of the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, for an Order, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, granting defendant Marie Lindor leave to file a Second Amended Answer that includes an affirmative defense that the statutory damages sought by plaintiffs are unconstitutionally excessive and disproportionate to any actual damages that may have been sustained, and granting such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that, as agreed between the parties, opposing affidavits and memoranda of law, if any, must be served on or before July 14, 2006 in accordance with applicable rules, including the Individual Practices of Judge Trager. Unless such affidavits and memoranda of law are timely served, the relief sought herein may be granted.

Dated: New York, New York
June 22, 2006

VANDENBERG & FELIU, LLP

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