

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EDWARD L. WHITE; EDWARD L. WHITE, P.C.;
and KENNETH ELAN, on behalf of themselves
and all others similarly situated

Plaintiffs,

12 Civ. 1340 (JSR)

v.

WEST PUBLISHING CORPORATION d/b/a/
“West”; and REED ELSEVIER, INC. d/b/a/
LexisNexis,

Filed Electronically

Defendants.
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**NOTICE OF DEFENDANT WEST PUBLISHING CORPORATION’S MOTION TO
DISMISS THE CLAIMS OF PLAINTIFF KENNETH ELAN AND THE NOT
REGISTERED SUBCLASS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law dated April 6, 2012, Defendant West Publishing Corporation will move this Court, before the Honorable Jed S. Rakoff, United States District Judge, United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 14-B, New York, New York, on May 16, 2012, at 4:00 p.m., for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the claims of Plaintiff Kenneth Elan and the alleged “Not Registered Subclass” on the ground that such plaintiffs have not satisfied the statutory prerequisite of registering their claimed copyrights and therefore cannot state a claim for copyright infringement, and for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's direction on an April 2, 2012 teleconference, plaintiffs will serve their opposition papers to defendant's motion on or before April 27, 2012, and defendant will serve reply papers on or before May 4, 2012.

Dated: April 6, 2012
New York, New York

Respectfully submitted,

WEIL, GOTSHAL & MANGES LLP

By: /s/ Benjamin E. Marks
R. Bruce Rich (RR-0313)
Benjamin E. Marks (BM-0796)
Jonathan Bloom (JB-7966)
John R. Gerba (JG-4947)
767 Fifth Avenue
New York, New York 10153
(212) 310-8000
benjamin.marks@weil.com

*Attorneys for Defendant West Publishing
Corporation*

To:

Gregory A. Blue
GREGORY A. BLUE, P.C.
405 Lexington Avenue, Suite 2600
New York, NY 10174
Email: blue@bluelegal.us

Raymond A. Bragar
BRAGAR WEXLER EAGEL & SQUIRE, P.C.
885 Third Ave., Suite 3040
New York, New York 10022
Email: bragar@bragarwexler.com

Attorneys for Plaintiffs