

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LIBERTY MEDIA HOLDINGS, LLC,

Plaintiff,

12-Civ-02234 (LAK)

against

CARY TABORA and SCHUYLER WHETSTONE,

Defendants.

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PLEASE TAKE NOTICE that upon the enclosed declaration of Kelly D. Talcott, executed on June 8, 2012, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion, and the pleadings herein, defendant Cary Tabora will move this Court, before the Honorable Lewis A. Kaplan, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting defendant's motion to dismiss the complaint.

Dated: June 8, 2012

By: s/ Kelly D. Talcott
Kelly D. Talcott
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Attorney for Defendant Cary Tabora

CERTIFICATE OF SERVICE

I, Kelly D. Talcott, an attorney, hereby certify that on June 8, 2012, I electronically transmitted the foregoing NOTICE OF MOTION to the Clerk's Office using the ECF System for filing and transmittal to counsel for plaintiff.

s/ Kelly D. Talcott

Kelly D. Talcott