

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT COURT OF NEW YORK

MEMO EN DORSED

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LIBERTY MEDIA HOLDINGS, LLC,

Plaintiff,

12 Civ. 2234-LAK

-against-

CARY TABORA and SCHULYER
WHETSTONE,

NOTICE OF MOTION

Defendants.
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PLEASE TAKE NOTICE that upon the enclosed Memorandum of Law, Declaration of Andrew T. Miltenberg, executed on July 25, 2012, the exhibits attached thereto, and the pleadings herein, Plaintiff will move this Court, before the Honorable Lewis A. Kaplan, for an Order granting Plaintiff's motion for leave file an Amended Complaint in this action.

Dated: July 25, 2012

NESENOFF & MILTENBERG, LLP

By: /s/ Andrew T. Miltenberg

Andrew T. Miltenberg, Esq. (7006)

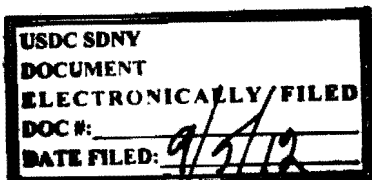
Marco A. Santori, Esq. (7422)

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Memorandum Endorsement

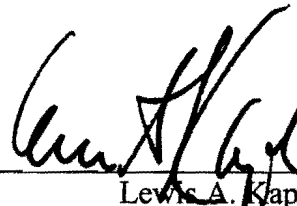
Liberty Media Holdings, LLC v. Tabora, 12 Civ. 2234 (LAK)

The motion for leave to amend is granted, provided however that the previously dismissed negligence claim is not resurrected by this ruling. The Court takes its inclusion in the amended complaint to reflect nothing more than plaintiff's wish to avoid any contention that its omission should foreclose appellate review of the Court's prior ruling.

The Court recognizes that there is a question as to whether the certificate of copyright registration referred to in paragraph 1 of the amended complaint reflects registration of the accused work at issue in this case. This presumably may be resolved on a motion for summary judgment. Pending further order of the Court, discovery as to all other issues is stayed. Discovery concerning the question of the correspondence or lack thereof between the work that is the subject of the certificate registration and the accused work shall be completed by November 15, 2012.

SO ORDERED.

Dated: September 5, 2012



Lewis A. Kaplan
United States District Judge