

# MEMO ENDORSED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MALIBU MEDIA, LLC,

No. 12-cv-3810 (ER)

Plaintiff,

-against-

JOHN DOES 1-11,

**NOTICE OF  
MOTION**

Defendants.  
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PLEASE TAKE NOTICE that, upon the annexed affidavit of Morlan Ty Rogers, Esq. and the exhibits annexed hereto, the accompanying Memorandum of Law, and all prior papers and proceedings herein, and pursuant to the first full decretal paragraph on page 16 of the Court's August 21, 2012 *ex parte* discovery order, the undersigned hereby moves before the Honorable Edgardo Ramos, United States District Judge, in Courtroom 218 of the United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601-4150, for an Order dismissing the complaint herein pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and quashing the subpoena issued under the Court's August 21, 2012 *ex parte* discovery order seeking disclosure of the identity of defendant John Doe 1 on the ground that the complaint herein fails to state a claim, and granting such other and further relief as may be just and proper.

Defendant John Doe No.1's Motion to Dismiss is Denied without prejudice for failure to follow my Individual Practices. See Sec. 2.A.ii.

**SO ORDERED:** Dated: Nov. 2, 2012

  
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HON. EDGARDO RAMOS  
UNITED STATES DISTRICT JUDGE

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/2/2012
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PLEASE TAKE FURTHER NOTICE that opposing affidavits and memoranda of law, if any, must be served and filed with the Court on or before November 8, 2012. Unless such affidavits and memoranda of law are timely served and filed, the relief sought herein may be granted.

Dated: Forest Hills, New York  
October 25, 2012

RAY BECKERMAN, P.C.

By:       s/Morlan Ty Rogers  
Morlan Ty Rogers (MR 3818)  
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