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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

JOHN DOE A/K/A BRIAN SAPIENT,

Plaintiff,

V.

URI GELLER

and

EXPLOROLOGIST LTD.,

Defendants

Case No.: **3:07-cv-02478 VRW**

NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING

The Defendants, Explorologist, Ltd. and Uri Geller, by and through their attorneys, Richard Winelander and Jeffrey M. Vucinich, hereby notify the Court, pursuant to Civil L. R. 3-13, of the pendency of another action between the parties. In support of this notice the Defendants state the following:

1. On May 7, 2007 Explorologist Limited filed suit against Brian Sapient a/k/a Brian J. Cutler (Sapient¹) in the United States District Court for the Eastern District of Pennsylvania. That

¹ For consistency Plaintiff will use Mr. Cutler's alias.

case (2:07-cv-01848-LP) was assigned to the Honorable Louis H. Pollak. Judge Pollak referred the case to Magistrate Judge M. Faith Angell. The original Complaint alleged Copyright Infringement under British Law. The Amended Complaint added counts for Commercial Disparagement and Appropriation of Name or Likeness.

2. The next day, on May 8, 2007, Sapient filed a complaint in this Court against Explorologist Limited and Uri Geller a/k/a Uri Geller Freud alleging misrepresentation and requesting declaratory relief.
3. Each suit arises from a dispute concerning a video clip entitled “James Randi exposes Uri Geller and Peter Popoff” which Sapient posted on the website www.youtube.com. This clip was taken from a NOVA Special entitled “Secrets of the Psychics.”² Both the clip Sapient posted and the NOVA special contained a Film entitled “Dr Hughes” which was shot in 1987 by Shimshon Shtrang (Shipi), an officer Explorologist, Ltd. The clip, featuring Dr Hughes, although only 8 seconds long is at the center of both lawsuits.
4. The Philadelphia suit seeks to stop Sapient, pursuant to British law, from using Explorologist’s intellectual property without its consent. Sapient has filed a Motion to Dismiss the Philadelphia suit. That motion has been fully briefed and is awaiting a ruling by Judge Pollak.
5. In the case *sub judice*, Sapient claims Defendants violated the Digital Millennium Copyright Act (DMCA) 17 U.S.C. § 512(f) “by knowingly materially misrepresenting under DMCA § 512 that the NOVA Video infringed their copyright.” (Complaint ¶ 22). The Defendants have filed a Motion to Dismiss and or to transfer this case to United States District Court for the Eastern District of Pennsylvania.
6. The Defendants maintain that, if not dismissed, the case should be transferred pursuant to 28 U.S.C. § 1407 (Multi District Litigation Procedures) because the principal parties and the issues in the two cases are identical. Additionally or alternatively coordination of the two suits might avoid conflicts, conserve judicial resources and promote an efficient

² The copyright owner is the WGBH Educational Foundation.

determination of the action. Judge Pollak has been fully briefed, on the intricacies of British law and the underlying facts of the dispute, therefore he would be well suited to decide all issues involved in the litigation.

Dated: October 4, 2007

/s/
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Attorney for Defendants,
Uri Geller and Explorologist, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of October 2007, a copy of the foregoing Notice of Pendency of Other Action was mailed, postage prepaid to:

Jason Schultz, Esquire
Corynne McSherry, Esq.
Marcia Hofmann, Esquire
Electronic Frontier Foundation
454 Shotwell Street
San Francisco, CA 94110

/s/
Richard Winelander, Esq.