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9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

13 CAROL LOEB SHLOSS,  
 14 Plaintiff,  
 15 v.  
 16 SEÁN SWEENEY, in his capacity as trustee  
 of the Estate of James Joyce, and THE  
 17 ESTATE OF JAMES JOYCE,  
 18 Defendants.

Case No. CV 06-3718 (JW) (HRL)

**ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER CASES SHOULD  
BE RELATED**

Judge: The Honorable James Ware

Date Comp. Filed: June 12, 2006

19 CAROL LOEB SHLOSS,  
 20 Plaintiff,  
 21 v.  
 22 STEPHEN JAMES JOYCE, in his individual  
 23 capacity and in his capacity as a Trustee of  
 The Estate of James Joyce,  
 24 Defendant.

Case No. C 07-00517 (MEJ)

Judge: The Honorable Magistrate Judge  
Maria Elena James

Date Comp. Filed: January 25, 2007

1 Pursuant to Civil Local Rules 3-12 and 7-11, Plaintiff Professor Carol Loeb Shloss  
2 (“Shloss”), by and through her attorneys, files this administrative motion to consider whether the  
3 above-captioned cases should be related.

4 On June 12, 2006, Plaintiff filed the first of the above-captioned suits against Defendants  
5 the Estate of James Joyce (the “Estate”), and Sean Sweeny, in his capacity as trustee of the  
6 Estate. Plaintiff’s complaint seeks a declaratory judgment that her use on her academic website  
7 of certain quotes from the writings of James Joyce and other Joyce family members, to which the  
8 Estate purports to own copyrights, is permissible fair use. Plaintiff’s complaint also requests that  
9 the Court declare that the 1922 Paris edition of Ulysses is in the public domain, and that  
10 Defendants should be barred from enforcing their copyrights against Plaintiff due to their acts of  
11 copyright misuse and unclean hands.

12 In their November 17, 2006 motion to dismiss, which was denied on February 9, 2006,  
13 Defendants asserted that Stephen James Joyce is the sole owner of the copyrights in the works of  
14 James Joyce’s daughter, Lucia Joyce. *See* November 17, 2006 Motion to Dismiss, at 5 [Docket  
15 No. 21] and Declaration of Sean Sweeney in Support of Defendants’ Motion to Dismiss, ¶ 3  
16 [Docket No. 23] (setting forth, without more, Sweeney’s “understanding” that Stephen Joyce  
17 owns the copyrights to Lucia Joyce’s writings). Plaintiff’s website contains a number of quotes  
18 from Lucia Joyce’s writings.

19 Accordingly, on January 25, 2007, Plaintiff filed the second of the above-captioned suits  
20 against Defendant Stephen James Joyce. Plaintiff’s suit against Stephen Joyce seeks a  
21 declaratory judgment that her use on her academic website of certain quotes from the writings of  
22 Lucia Joyce, to which Stephen Joyce claims to own the copyright, is permissible fair use.  
23 Plaintiff’s complaint against Stephen Joyce also requests that the Court declare that the 1922  
24 Paris edition of Ulysses is in the public domain, and that Defendant should be barred from  
25 enforcing his copyrights against Plaintiff due to his acts of copyright misuse and unclean hands.

26 Stephen Joyce is not a named party in the first-captioned case above, but he is an agent  
27 and trustee of one of the parties, the Estate of James Joyce. Assuming that it is true that Stephen  
28 Joyce owns 100% of the rights in Lucia Joyce’s copyrights, those copyrights will only be at issue

1 in the second of the above-captioned suits.

2           Nevertheless, because Plaintiff's website uses both writings from James Joyce and from  
3 Lucia Joyce; because Defendant Stephen James Joyce is also a trustee of the Estate of James  
4 Joyce, and has, at times relevant to the above cases, acted on behalf of both the Estate and  
5 himself in asserting rights in the copyrights of James and Lucia Joyce; and therefore, because  
6 there is likely to be overlapping discovery and other issues between the two cases, the  
7 requirements of Civil Local Rule 3-12(a) seem to be met such that the two cases should be  
8 related.

9           On January 29, 2007 counsel for Plaintiff sent a courtesy copy of the Complaint in the  
10 second-filed case to Maria Nelson, counsel for defendants in the first-filed case. Plaintiff's  
11 counsel asked whether Stephen Joyce, who, upon information and belief, has been active in  
12 directing the litigation in the first-filed case, would consent to waive service of the Complaint in  
13 the second-filed case. Ms. Nelson stated that she would take the request under consideration.  
14 On February 15, 2007, Nelson declined to accept service on Stephen Joyce's behalf. Because  
15 Shloss's counsel were waiting for a definitive answer on this point, Mr. Joyce has not yet been  
16 served.

17 Dated: February 15, 2007

KEKER & VAN NEST, LLP

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By: /s/ DOROTHY R. McLAUGHLIN  
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