

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHAMBER OF COMMERCE OF THE)
 UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 JACQUES SERVIN (aka ANDY BICHLBAUM)
 aka HINGO SEMBRA), IGOR VAMOS (aka)
 MIKE BONANNO), SUPPORT AND)
 COMMITMENT, INC., DAVID SIEVERS,)
 MORGAN GOODWIN, SARAH MURPHY,)
 and JOHN and JANE DOES NOS. 1-20,)
)
 Defendants.)

Case No.: 1:09-cv-02014 - (RWR)

**PLAINTIFF’S REPLY IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE
SUPPLEMENTAL BRIEF IN OPPOSITION TO
DEFENDANTS’ MOTION TO DISMISS FIRST AMENDED COMPLAINT**

Defendants have responded to Plaintiff’s Motion for Leave to File Supplemental Brief with histrionics instead of addressing the issue presented by the Motion. The issue presented by Plaintiff’s Motion is simple: Should Plaintiff be permitted to notify the Court of recent conduct by Defendants that is relevant to Defendants’ pending Motion to Dismiss, when that conduct occurred after Plaintiff filed its Opposition to the Motion to Dismiss?¹

¹ Defendants have absolutely no justification for characterizing Plaintiff’s Motion as an attempt to “game the judicial process” and “misuse the Court’s procedural authority.” Def. Opp. at 1. Plaintiff has merely sought leave to notify the Court of new facts that are directly relevant to Defendants’ Motion to Dismiss. Plaintiff could not possibly have mentioned those facts in its Opposition to the Motion to Dismiss, because it filed its Opposition on February 5, 2010 -- over five months before Defendants engaged in the conduct described in Plaintiff’s Supplemental Brief.

Plaintiff submits that, in resolving Defendants' Motion to Dismiss, the Court should be informed of all facts relevant to Defendants' arguments and representations. The Supplemental Brief that Plaintiff is seeking leave to file notifies the Court that, on or about July 23, 2010, Defendants Igor Vamos (aka Mike Bonnano) and Jacques Servin (aka Andy Bichlbaum aka Hingo Sembra) released a "special edition" movie that includes film footage of the fraudulent "press conference" at issue in this case, and that they are using the "special edition" of their movie to raise money. These actions are directly relevant to Defendants' assertion, made in support of their Motion to Dismiss, that their misappropriations of Plaintiff's name and marks were not "commercial" in nature. Defendants' actions should therefore be considered in evaluating their representations and in resolving their Motion to Dismiss.

Moreover, Defendants cannot complain that the Supplemental Brief will prejudice them in any way. This case has been pending for over nine months and yet, because of Defendants' pending motion to dismiss and motion to stay discovery, Defendants have not yet filed an answer to the complaint or provided any discovery. The Supplemental Brief will therefore cause no disruption or delay in this case and will, instead, provide the Court with relevant information that should be considered in resolving Defendants' January 5, 2010 Motion to Dismiss.

WHEREFORE, Plaintiff respectfully requests that the Court grant it leave to file the Supplemental Brief in Opposition to Defendants' Motion to Dismiss First Amended Complaint.

Dated: August 10, 2010

HUNTON & WILLIAMS, LLP

/s/ William E. Potts, Jr.

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