

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

<p><b>ANNE PEARSE-HOCKER,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>THE SMITHSONIAN INSTITUTION,</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Case No. 1:10-cv-00269</b></p>
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**PLAINTIFF'S CONSENTED MOTION  
FOR LEAVE TO FILE AMENDED COMPLAINT**

Plaintiff, Anne Pearse-Hocker, by and through her undersigned counsel, hereby requests leave, pursuant to Rule 15(a)(2) of the Rules of the Court of Federal Claims, to file an Amended Complaint. Counsel for Defendant advises that Defendant consents to the relief requested herein.

Plaintiff seeks leave to file an Amended Complaint that eliminates Plaintiff's contributory copyright infringement claim against The Smithsonian as, after review of the authorities cited in Defendants' Motion to Dismiss Count II of the Complaint, Plaintiff concedes that 28 U.S.C. § 1498(b) does not operate as a waiver of the United States' sovereign immunity with respect to claims for contributory copyright infringement.

Plaintiff's proposed First Amended Complaint, which eliminates the contributory infringement copyright infringement claim but retains the claims for direct copyright infringement and breach of contract, is attached hereto as Exhibit A.

WHEREFORE, Plaintiff, Anne Pearse-Hocker, respectfully requests that the Court grant her leave to file the attached First Amended Complaint.

Respectfully submitted,

Dated: July 28, 2010

By: \_\_\_\_\_ /s/ Eric Heyer

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*Counsel for Plaintiff Anne Pearse-Hocker*

**CERTIFICATE OF SERVICE**

I, Eric Heyer, hereby certify that on this 28th day of July, 2010, I will cause a true and correct copy of the foregoing Plaintiff's Consented Motion for Leave to File Amended Complaint to be served via the Court's ECM/ECF system on the following:

Walter W. Brown  
United States Department of Justice

*Attorney for the United States*

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/s/ Eric Heyer