

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ENTERTAINMENT SOFTWARE  
ASSOCIATION AND ENTERTAINMENT  
MERCHANTS ASSOCIATION,

Plaintiffs.

vs.

CHARLES C. FOTI, JR., in his official  
capacity as Attorney General of the State of  
Louisiana; and DOUG MOREAU, in his  
official capacity on behalf of himself as  
District Attorney for the Parish of East  
Baton Rouge, and on behalf of a class of  
similarly situated individuals in their official  
capacities.

Defendants.

CIVIL ACTION NO. 06-431-JJB-CN

SECTION "D"

Judge James J. Brady

CLASS ACTION

MOTION TO STRIKE MOTION FOR LEAVE  
TO FILE AMICUS CURIAE BRIEF

NOW INTO COURT, through undersigned counsel, come plaintiffs, Entertainment Software Association and Entertainment Merchants Association, to move to strike the "Motion for Leave to File Amicus Curiae Brief" ("Motion for Leave"), filed by Florida attorney John B. Thompson ("Mr. Thompson"), purportedly on behalf of unnamed parties, on the following grounds:

1.

Because Mr. Thompson is not admitted to practice before this Court, the Motion for Leave is filed in violation of the Court's Local Rule 11.1M and thus should be stricken.

2.

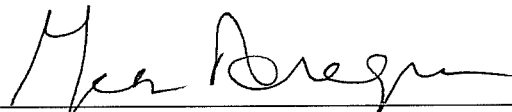
The Motion for Leave fails to identify the parties on whose behalf Mr. Thompson purports to have been retained and on whose behalf the Motion is filed. Although the Motion, at paragraph 13, recites that Mr. Thompson “anticipates filing his amicus curiae brief on behalf of law enforcement personnel and also on behalf of education groups,” he fails to identify those personnel or groups. Hence, there is no indication of who the proposed amici would be or whether Mr. Thompson has even been retained as their counsel. Absent such information, plaintiffs cannot formulate a proper response to the Motion for Leave.

Additionally, although Mr. Thompson signs the motion as “Attorney Defendant and Co-Counsel,” he is *not* a defendant in this case and there is no indication that he has been retained as counsel by the actual defendants – Attorney General Charles C. Foti, Jr. and District Attorney Doug Moreau. Because the Motion for Leave fails to identify the parties on whose behalf it is filed (if anyone), it should be stricken.

3.

Plaintiffs further support their Motion to Strike with the supporting Memorandum filed herewith. If and when Mr. Thompson complies with the Court’s Local Rules and properly identifies his clients (if any), plaintiffs reserve their right to file an opposition to the instant motion for leave or any substitute or additional motion.

Respectfully submitted,



James A. Brown, T.A. (Bar #14101)

George Denegre, Jr. (Bar #8387)

LISKOW & LEWIS

One Shell Square

701 Poydras Street, Suite 5000

New Orleans, LA 70139-5099

Telephone: (504) 581-7979

Facsimile: (504) 556-4108

Attorneys for Entertainment Software Association  
and Entertainment Merchants Association

Of Counsel:

Paul M. Smith

Katherine A. Fallow

Matthew S. Hellman

JENNER & BLOCK LLP

601 13th Street, NW, Suite 1200

Washington, DC 20005

Telephone: (202) 639-6000

Facsimile: (202) 639-6066

**Certificate of Service**

I HEREBY CERTIFY that a copy of the above and foregoing pleading has been served upon Charles C. Foti, Jr., in his official capacity as Attorney General of the State of Louisiana and Doug Moreau, in his official capacity as District Attorney for the Parish of Baton Rouge, and upon Florida attorney John B. Thompson, by facsimile and U.S. Mail, postage prepaid and properly addressed, this 18th day of July, 2006.



George Denegre