

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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RECORDED BOOKS, LLC, : Civil Action No. 8:07-cv-01427-DKC
:
Plaintiff, :
:
v. : **RECORDED BOOKS, LLC’S**
: **MOTION FOR MORE DEFINITE**
: **STATEMENT**
:
OCLC ONLINE COMPUTER LIBRARY :
CENTER, INC. d/b/a NETLIBRARY, :
:
Defendant. :
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Pursuant to Rule 12(e) of the Federal Rules of Civil Procedure, plaintiff/counterclaim defendant Recorded Books, LLC (“Recorded Books”) hereby respectfully requests that this Court order defendant OCLC Online Computer Library Center, Inc. d/b/a NetLibrary (“NetLibrary”) to provide a more definite statement of the alleged statements by Recorded Books that serve as a basis for Counts V through IX of NetLibrary’s Counterclaims.

As set forth in detail in the Declaration of Brian T. Downing and Recorded Books’ supporting memorandum, both submitted herewith, NetLibrary’s allegations regarding Recording Books’ statements are too vague to permit Recorded Books to frame a responsive pleading. NetLibrary should allege the following with respect to the statements it alleges as a basis for all five of the non-contract claims (Counts V through IX) in its Counterclaims:

- (a) By whom each alleged statement was made;
- (b) To whom each alleged statement was made;
- (c) The time, place, and manner of publication of each alleged statement; and
- (d) The substance of each alleged statement.

WHEREFORE, Recorded Books respectfully requests that this Court allow its motion for more definite statement. A proposed Order is submitted herewith.

Dated: July 12, 2007

Respectfully submitted,

RECORDED BOOKS, LLC

By its attorneys,

/s/ R. David Hosp

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-and-

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CERTIFICATE OF SERVICE

I hereby certify that the Recorded Books, LLC's Motion for More Definite Statement, Memorandum in Support of Recorded Books, LLC's Motion for More Definite Statement, Declaration of Brian T. Downing In Support of Recorded Books, LLC's Motion for More Definite Statement, and Proposed Order Granting Recorded Books, LLC's Motion for More Definite Statement have been filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those indicated as non registered participants on July 12, 2007.

/s/ R. David Hosp