

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

William V. Aguiar, III,

Plaintiff,

v.

Floyd Webb,
Barron Shepherd,
Wendy Shepherd,
Ashida Kim a.k.a. Christopher Hunter a.k.a.
Bradford Davis a.k.a. Radford Davis,

Defendant.

Civil Action No. 1:07-cv-11673 MLW

RADFORD DAVIS' MOTION TO DISMISS

Pursuant to the Order dated January 22, 2008, Defendant Radford Davis ("Mr. Davis") hereby withdraws all prior motions to dismiss (Dkt. 25, 27, 35, 37 and 64) and submits this consolidated Motion to Dismiss. Mr. Davis moves to dismiss all of the claims against him in this action under Fed. R. Civ. P. 12(b)(2), 12(b)(3), and 12(b)(6). Count I of Plaintiff William V. Aguiar, III's Complaint alleges infringement of Plaintiff's copyrights. Mr. Davis respectfully requests that the Court dismiss Count I with prejudice.

Mr. Davis respectfully requests oral argument prior to resolution of this motion.

Pursuant to Local Rule 7.1, counsel for Mr. Davis attempted to contact Plaintiff by telephone to confer regarding this issue. A voice message left with the Plaintiff has not been returned at this time.

Dated: January 29, 2008

/s/ Amy L. Brosius

Amy L. Brosius (BBO # 656521)

Mark A. Fischer (BBO # 167100)

Fish & Richardson P.C.

225 Franklin Street

Boston, MA 02110-2804

Telephone: (617) 542-5070

Facsimile: (617) 542-8906

Attorneys for Defendant Radford Davis

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 29th day of January, 2008.

/s/ Amy L. Brosius
Amy L. Brosius