

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

S. VICTOR WHITMILL,)	
)	
Plaintiff,)	
)	Civil Action No. 4:11-cv-752
v.)	
)	
WARNER BROS. ENTERTAINMENT INC.,)	
)	
Defendant.)	

**PLAINTIFF’S MOTION FOR LEAVE TO CONDUCT
LIMITED DISCOVERY ON AN EXPEDITED SCHEDULE**

Plaintiff S. Victor Whitmill, by his attorneys, pursuant to Rule 26 of the Federal Rules of Civil Procedure and Local Rule 3.01(B), respectfully moves for leave to conduct the limited discovery described below on an expedited basis. In support of this motion, plaintiff states as follows:

1. This is an action for copyright infringement arising out of the unauthorized use of an infringing copy of plaintiff’s original tattoo artwork as a central plot device in defendant’s motion picture, **THE HANGOVER 2** (the “Movie”), which is scheduled for release later this Spring.

2. Along with his Verified Complaint and the Summons, Plaintiff has filed today and will be serving on defendant a Motion for Preliminary Injunction and a supporting Memorandum of law.

3. In preparation for the hearing on the Motion for Preliminary Injunction and to insure that the Court has all evidence necessary to resolve that motion, plaintiff seeks certain basic discovery, such as a copy of the Movie, a copy of the final (or shooting) script of the

Movie, and documents evidencing whatever defendant will rely upon, if anything, to support any contention that it does not need plaintiff's consent to use his artwork in the Movie. In addition, this Plaintiff would depose representatives of Warner Bros. pursuant to Federal Rule of Civil Procedure 30(b)(6), after Warner Bros. has responded to the written discovery requests.

4. Submitted as Exhibit A to this motion is a copy of the proposed, limited expedited discovery requests (the "Discovery Requests").

5. Plaintiff seeks leave to propound the Discovery Requests attached to this Motion before the time otherwise allowed under the Federal Rules of Civil Procedure without further service, and that the date of service for this Motion (as reflected by the return of service on the accompanying Summons and Verified Complaint) be used to determine the deadline for Warner Bros. responses to the Discovery Requests.

6. Submitted as Exhibit B to this motion is a copy of a proposed order granting this motion.

WHEREFORE, this Court should enter an Order to allow limited discovery of issues raised by Plaintiffs' Motion for Preliminary Injunction in the form set forth in the proposed Order submitted as Exhibit B herewith and such other and further relief as the Court deems just and proper under the circumstances.

Respectfully submitted,

/s/ Geoffrey G. Gerber

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