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September 22, 2010

VIA ECF

Honorable Ramon E. Reyes, Jr.  
United State Magistrate Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: **Vadim Mikhlyn, Inga Mikhlyn and ABC All Consulting, Inc. v. Ana Bove, Polina Dolginov, et al.**  
**Docket No.: 08 CIV. 3367**

Dear Judge Reyes:

This is in response to pro se defendants' letter of September 21, 2010.

The pro se defendants' attempt to limit the damage from the default of the corporate defendants by assigning the corporations' rights cannot work.

First, the Second Circuit has long held that the prohibition against pro se corporations cannot be circumvented "by the procedural device of an assignment of the corporation's claims to the lay individual." Jones v. Niagara Frontier Transportation Authority, 722 F.2d 20, 23 (2d Cir. 1983); see also Bell v. South Bay European Corp., 486 F. Supp. 2d 257 (S.D.N.Y. 2007). Here, the sham nature of the assignment is particularly glaring because it is designed, by its express terms, to circumvent the default of the corporate defendants (among other things, it purports to be retroactive to the date the corporations went into default).

Second, the assignment runs afoul of the plain language of Section 501(b) of the Copyright Act:

The legal or beneficial owner of an exclusive right under a copyright is entitled, subject to the requirements of section

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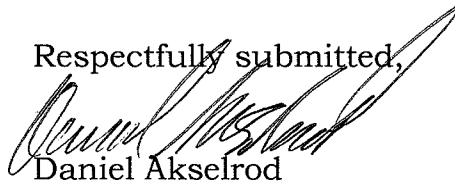
411, to institute an action for any infringement of that particular right **committed while he or she is the owner of it.**

17 U.S.C. § 501(b) (emphasis added); see Silvers v. Sony Pictures Entertainment, 402 F.3d 881, 885 (9<sup>th</sup> Cir. 2005).

Third, no assignment, even an otherwise effective one, can prevent plaintiffs from obtaining a default judgment on their claims against the corporate defendants. The corporate defendants may be able to assign away their rights but they cannot assign away their liabilities.

Finally, once plaintiffs obtain a judgment against the corporate defendants, they will seek to void, as fraudulent, any improper transfer of assets from those defendants.

Respectfully submitted,



Daniel Akselrod

DA/st

cc: Ms. Ana Bove (by e-mail)  
Ms. Polina Dolginov (by e-mail)