

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RALPH VARGAS AND BLAND RICKY
ROBERTS,

Plaintiffs,

v.

PFIZER INC., PUBLICIS, INC., FLUID MUSIC,
EAST WEST COMMUNICATIONS, INC., AND
BRIAN TRANSEAU P/K/A "BT",

Defendants.

04 CV 9772 (WHP)
ECF CASE

NOTICE OF MOTION AND MOTION TO STRIKE

PLEASE TAKE NOTICE that, upon the bases set forth in the accompanying memorandum of law as well as upon all prior pleadings and proceedings had herein, Defendant Brian Transeau, joined by Defendant East-West Communications, Inc. (hereinafter "Defendants"), hereby moves this Court, before the Honorable William H. Pauley III, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, for an Order striking in part the Supplemental Declaration of Paul A. Chin in Opposition to Defendant Brian Transeau's Motion for Summary Judgment, dated January 23, 2007.

Plaintiffs shall file and serve their opposition on March 29, 2007 and Defendants shall file and serve their reply on April 4, 2007 as set forth in the Court's Scheduling Order of February 26, 2007.

WHEREFORE, Defendants request that the Court grant their motion and provide the relief set forth in the Proposed Order submitted herewith.

Dated: March 15, 2007

KIRKLAND & ELLIS LLP

By: /s/ Julie A. Ahrens
Julie A. Ahrens (JA 0372)
jahrens@kirkland.com
Alice C. Garber (*pro hac vice*)
agarber@kirkland.com

KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104-1501
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

David S. Olson (DO 4906)
dolson@law.stanford.edu
Anthony Falzone (*pro hac vice*)
anthony.falzone@stanford.edu

STANFORD LAW SCHOOL CYBERLAW CLINIC
CENTER FOR INTERNET AND SOCIETY
559 Nathan Abbott Way
Stanford, California 94305-8610
Telephone: (650) 724-0517
Facsimile: (650) 723-4426

Attorneys for Defendant
BRIAN TRANSEAU p/k/a "BT"