

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

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RALPH VARGAS and	:	
BLAND-RICKY ROBERTS,	:	Case No. 04 CV 9772 (WHP)
	:	
Plaintiffs,	:	EAST WEST COMMUNICATIONS,
	:	INC.'S JOINDER IN MOTION FOR
- against -	:	SUMMARY JUDGMENT
	:	
PFIZER INC., PUBLICIS, INC., FLUID	:	
MUSIC, EAST WEST COMMUNICATIONS,	:	
INC. and BRIAN TRANSEAU p/k/a "BT",	:	
	:	
Defendants.	:	
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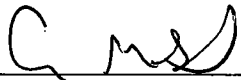
Defendant East West Communications, Inc. ("East West") joins the motion for summary judgment to be filed today by Defendant Brian Transeau. The claims against East West should be dismissed for all of the reasons stated by Mr. Transeau, and for the reasons stated herein.

The following facts are undisputed: East West is the distributor of the soundware CD "Breakz from the Nu Skool," on which the "Aparthenonia" drum loop appears. East West had no role in creating "Aparthenonia," and has no knowledge of how Mr. Transeau created it. Mr. Transeau provided East West with the master soundware recording for "Breakz from the New Skool" (including "Aparthenonia"). East West simply duplicated the master, without editing, mixing or other alternation. East West sold the soundware with the same content contained on the master it received from Mr. Transeau, in the same form. See Declaration of Eric M. Stahl, Exhibit A (FRCP 30(b)(6) Deposition of East West), at pp 48:4-50:8. There is no evidence or allegation that East West had independent access to Plaintiffs' work.

Accordingly, Mr. Transeau's lack of access to Plaintiffs' work is dispositive as to both defendants. The reasons set forth in Mr. Transeau's moving papers for dismissal of all claims against him therefore also require dismissal of all claims against East West.

Dated: Seattle, Washington
September 22, 2006

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