

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; BMG MUSIC;
CAPITOL RECORDS, INC.; ELEKTRA
ENTERTAINMENT GROUP INC.;
INTERSCOPE RECORDS; LAFACE
RECORDS LLC; MOTOWN RECORD
COMPANY, L.P.; PRIORITY RECORDS LLC;
SONY BMG MUSIC ENTERTAINMENT;
UMG RECORDINGS, INC.; VIRGIN
RECORDS AMERICA, INC.; and
WARNER BROS. RECORDS INC.,

Plaintiffs/Counterclaim Defendants,

v.

LIME GROUP LLC; LIME WIRE LLC; MARK
GORTON; and GREG BILDSON, and M.J.G.
LIME WIRE FAMILY LIMITED
PARTNERSHIP

Defendants.

06 CV. 5936 (GEL)

**NOTICE OF DEFENDANTS'
MOTION TO EXCLUDE
PLAINTIFFS' PROFFERED
EXPERT SUMMARY
JUDGMENT EVIDENCE FROM
THE DEPOSITIONS AND
REPORTS OF ELLIS
HOROWITZ, Ph.D. AND
RICHARD P. WATERMAN, Ph.D**

Oral Argument Requested

PLEASE TAKE NOTICE that Defendants Lime Wire Group LLC, Lime Wire LLC, Mark Gorton, and M.J.G. Lime Wire Family Limited Partnership (collectively "Defendants"), by their undersigned counsel, hereby request that this Court, before the Hon. Gerard E. Lynch, at the United States Courthouse, 500 Pearl Street, Courtroom 6B, New York, New York, grant this Motion to Exclude Plaintiffs' Proffered Expert Summary Judgment Evidence from Depositions and Reports of Ellis Horowitz, Ph.D. and Richard P. Waterman, Ph.D. and exclude such evidence.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Defendants rely upon the accompanying Memorandum of Law in Support of Defendants' Motion to Exclude

Plaintiffs' Proffered Expert Summary Judgment Evidence From the Depositions and Reports of
Ellis Horowitz, Ph.D. and Richard P. Waterman, Ph.D.

Dated: September 26, 2008.

Respectfully Submitted,

Of counsel:

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CERTIFICATE OF SERVICE

This is to certify that the foregoing pleading was filed by means of the Court's ECF system on the 26th day of September, 2008. Accordingly, it is assumed that all counsel of record received notice of this filing from the ECF system. Lead counsel, listed below, will also receive a courtesy copy via Federal Express.

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