

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CALVIN GIBSON,

Plaintiff,

v.

CRAIGSLIST, INC.

Defendant.

08 CV 7735 (RMB)

NOTICE OF MOTION TO DISMISS

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TO: Paul B. Dalnoky, Esq.
45 East 7 Street, #103
New York, NY 10003
(212) 260-4386
Attorney for Plaintiff Gibson

COUNSEL:

PLEASE TAKE NOTICE that, on a date and time set by the court, or as soon thereafter as counsel may be heard, the undersigned, counsel for defendant, CRAIGSLIST, INC. (“craigslist”), shall move before the Honorable Richard M. Berman, United States District Judge, United States District Court for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an Order dismissing with prejudice plaintiff’s complaint for failure to state a valid claim on which relief can be granted because the Communications Decency Act, 47 U.S.C. § 230, protects operators of interactive computer services, like craigslist, from the claims asserted against it in this matter.

PLEASE TAKE FURTHER NOTICE that in support of this motion craigslist shall rely upon the enclosed Memorandum of Law.

COUGHLIN DUFFY LLP

By: /s/ Justin N. Kinney
JUSTIN N. KINNEY (JNK 8531)

Wall Street Plaza
88 Pine Street
New York, NY 10005
(212) 483-9490

and

Elizabeth McDougall
PERKINS COIE LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101
(206) 359-8000

Attorneys for Defendant craigslist

Dated: November 6, 2008