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Attorneys for Plaintiffs and Counterclaim Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHEPARD FAIREY and OBEY GIANT ART,
INC.,

Plaintiffs,

v.

THE ASSOCIATED PRESS,

Defendant and Counterclaim
Plaintiff,

v.

SHEPARD FAIREY, OBEY GIANT ART, INC.,
OBEY GIANT LLC and STUDIO NUMBER ONE
INC. and ONE 3 TWO, INC. (d/b/a OBEY
CLOTHING),

Counterclaim Defendants.

Case No.: 09-01123 (AKH)

NOTICE OF MOTION

and

MANNIE GARCIA,

Defendant, Counterclaim
Plaintiff and Cross-claim
Plaintiff/Defendant,

v.

SHEPARD FAIREY and OBEY GIANT ART,
INC.,

Counterclaim Defendants.

and

THE ASSOCIATED PRESS,

Cross-claim
Plaintiff/Defendant.

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Motion for Protective Order; the Declaration of Meir Feder, dated December 23, 2009, and the exhibits annexed thereto; and on all the prior proceedings and matters of record in this case, Plaintiffs and Counterclaim Defendants Shepard Fairey, Obey Giant Art, Inc., Obey Giant LLC, and Studio Number One, Inc., will move before this Court, the Honorable Alvin K. Hellerstein, United States District Court Judge, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at such a time and date as this Court may direct, for a protective order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, postponing the deposition of Shepard Fairey for six months, pending the outcome of a federal criminal investigation concerning matters at issue in this case. In the event the Court decides not

to grant the requested relief, movants request an order limiting the scope of Mr. Fairey's deposition for now to the merits issues, and excluding issues concerning spoliation of evidence.

PLEASE TAKE NOTICE that pursuant to Local Civil Rule 6.1(a), any opposing papers or answering memoranda are to be served within seven days after service of this motion.

PLEASE TAKE NOTICE that this motion is being filed under seal, and any opposing papers or answering memoranda should likewise be filed under seal.

Dated: December 23, 2009

Respectfully Submitted,

/s/ Meir Feder
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served today, December 23, 2009, by electronic mail on all counsel.

JONES DAY

By: /s/ Meir Feder _____

Meir Feder
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