



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHEPARD FAIREY, et al.,

Plaintiffs,

-against-

THE ASSOCIATED PRESS, et al.,

Defendants.
----- X

**ORDER SEVERING ISSUES,
DISMISSING SETTLED
CLAIMS, AND DIRECTING
SUBMISSION OF PROPOSALS
FOR TRIAL PROCEDURE**

09 Civ. 1123 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

In this lawsuit, as realigned, the Associated Press ("AP") has sued Shepard Fairey and various entities dubbed "Obey Defendants," alleging acts of copyright infringement under 17 U.S.C. § 101 et seq., and of removing or altering copyright management information from certain proprietary images, in violation of 17 U.S.C. § 1202. Fairey has sought declaratory judgment that he is not liable under any of the theories posited by the AP.

A suggestion of settlement having been made between the AP and Fairey, the claims arising between them are dismissed, with prejudice and without costs, but subject to reinstatement by motion within 30 days. No suggestion of settlement has been made between the AP and the Obey Defendants. The claims arising between them are severed and shall continue.

A final pretrial conference in this case has been scheduled for March 16, 2011, and a trial date is set for March 21, 2011. Those dates shall not be adjourned. Counsel for the AP and the Obey Defendants shall submit by joint letter their proposals for the time allowed for openings, presentation of evidence, and summations.

SO ORDERED.

Dated: January 10, 2011
New York, New York

ALVIN K. HELLERSTEIN
United States District Judge