

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, STUDIO
NUMBER ONE, INC., and ONE 3 TWO,
INC. (d/b/a OBEY CLOTHING),

Counterclaim Defendants.

ECF

Case No. 09-01123 (AKH)

**COUNTERCLAIM DEFENDANT ONE 3 TWO, INC.'S NOTICE OF
MOTION IN LIMINE NO. 2 TO EXCLUDE THE OPINION OF
THE ASSOCIATED PRESS'S DESIGNATED EXPERTS KATHLEEN KEDROWSKI
AND BLAKE PEMBROKE SELL REGARDING
THE AP'S HYPOTHETICAL LOST LICENSING FEE**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that upon the accompanying memorandum of law and Declaration of Robyn C. Crowther In Support of Counterclaim Defendant One 3 Two, Inc.'s Motion in Limine No. 2, Counterclaim Defendant One 3 Two, Inc. d/b/a Obey Clothing ("One 3 Two") will move, before the honorable Alvin K. Hellerstein, United States District Judge at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., Courtroom 14D, New York, New York 10007, on March 16, 2011 at 10:00 a.m., to preclude the Associated Press (the "AP") from offering at trial the testimony and reports of its designated experts, Kathleen M. Kedrowski

and Blake Pembroke Sell, with respect to AP's hypothetical lost licensing fee. One 3 Two moves *in limine* to exclude this evidence on grounds that these opinions are unreliable, irrelevant, and based on inadmissible evidence not reasonably relied upon. *See* Fed. R. Evid. 702, 703; *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 597 (1993).

Dated February 25, 2011
Los Angeles, California

Respectfully Submitted,

By: /s/ Robyn C. Crowther

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