

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. 5 TO EXCLUDE EVIDENCE OF SUBSEQUENT REMEDIAL
MEASURES**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, 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 exclude evidence and argument of evidence of actions taken by One 3 Two to avoid future litigation. One 3 Two moves *in limine* on grounds that this evidence is inadmissible because it is irrelevant under Federal Rules of Evidence 401 and 402, its risk of

unfair prejudice substantially outweighs its probative value under Federal Rule of Evidence 403,
and is evidence of subsequent remedial measures under Federal Rule of Evidence 407.

Dated: Los Angeles, California
February 25, 2011

Respectfully submitted,

By: /s/ Robyn C. Crowther
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*Counsel for Counterclaim Defendant
One 3 Two, Inc. (d/b/a Obey Clothing)*