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Attorneys for the Associated Press

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SHEPARD FAIREY and OBEY GIANT ART, INC.,
Plaintiffs,

v.

THE ASSOCIATED PRESS,
Defendant/Counterclaim Plaintiff,

v.

SHEPARD FAIREY, et al.,
Counterclaim Defendants,

And

MANNIE GARCIA,
Defendant, Counterclaim Plaintiff &
Cross Claim Plaintiff/Defendant,

v.

SHEPARD FAIREY and OBEY GIANT ART, INC.,
Counterclaim Defendants,

And

THE ASSOCIATED PRESS,
Cross Claim Plaintiff/Defendant.

Case No.: 09-CV-01123 (AKH)

ECF Case

**THE ASSOCIATED PRESS'S
NOTICE OF MOTION IN LIMINE
NO. 3 TO EXCLUDE EVIDENCE OF
FAIREY'S USE OF RUBY LITH
AND FOR AN ADVERSE
INFERENCE**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, Counterclaim Plaintiff the Associated Press 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 of Shepard Fairey's use of Rubylith and for an adverse inference.

Respectfully submitted,

Dated: March 10, 2011

/s/Dale M. Cendali

Dale M. Cendali
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