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*Attorneys for Defendant Interscope Geffen A&M
Records, a division of UMG Recordings, Inc.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DOMINO RECORDING COMPANY, INC., and :
INDEPENDIENTE LTD., :

Plaintiffs, :

v. :

INTERSCOPE GEFLEN A&M RECORDS, a :
division of UMG RECORDINGS, INC., WILLIAM :
B. ROSE, professionally known as AXL ROSE, :
BRIAN P. CARROLL, RON THAL, PAUL HUGE, :
ROBIN FINCK, BRYAN MANTIA, THOMAS :
E. STINSON and DARREN A. REED, :
professionally known as GUNS 'N ROSES, and :
CHRISTOPHER PITMAN, :

Defendants. :
-----X

Case No. 09 Civ 08400 (GBD)

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT
PURSUANT TO RULES
8(A)(2) AND 12(B)(6)**

PLEASE TAKE NOTICE that upon the Declaration of Andrew H. Bart and the accompanying Memorandum of Law submitted herewith, the undersigned attorneys for defendant Interscope Geffen A&M Records, a division of UMG Recordings, Inc., shall move this Court, before the Honorable George B. Daniels, United States District Court Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, Courtroom 21D, New York, New York 10007, at a time set by the Court, for an Order

dismissing the Complaint of plaintiffs Domino Recording Company, Inc. and Independiente, Ltd., pursuant to Rules 8(a)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that the Complaint fails to state a claim upon which relief can be granted, and to grant all further relief the Court deems appropriate.

Dated: New York, New York
January 29, 2010

JENNER & BLOCK LLP

By: Andrew H. Bart
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TO: Brian D. Caplan
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*Attorneys for Plaintiffs Domino Recording
Company, Inc. and Independiente, Ltd.*

CERTIFICATE OF SERVICE

Carletta F. Higginson, an attorney, hereby certifies and/or states on oath that on this 29th day of January, 2010 the preceding Notice of Motion to Dismiss the Complaint Pursuant to Rules 8(A)(2) and 12(B)(6) was served on behalf of Defendants Interscope Geffen A&M Records, a division of UMG Recordings, Inc. via this Court's Electronic Case Filing system on the following counsel of record:

BRIAN D. CAPLAN, Esq.
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s/ Carletta F. Higginson
Carletta F. Higginson