

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

PEARSON EDUCATION, INC.; MCGRAW HILL, INC.;
CENGAGE LEARNING INC.; BEDFORD, FREEMAN &
WORTH PUBLISHING GROUP, LLC; and ELSEVIER
INC.,

Plaintiffs,

v.

ABC BOOKS LLC; FIDAA HASHEMI; LEONARD
JOHNSON; ALEC SANDERS; ALEX LUCKHARDT;
BRONISLAV TELITSKIY; CHALLENGE BOOK
STORE PVT. LTD.; RANJAN KUMAR BEHERA;
GEOFFREY LABOS; GLYNIS LABOS; DESPOT
DESPOTOVIC; LIGHT PULSATIONS LLC;
MAYLOURD ASCRATE; ABDULHADI YILDIRIM;
RODNEY BLANKS; SOARABH GUPTA; MADHU
GUPTA; CHARLES E. KRACHY; TIMOTHY LENN
MORGAN; JENNIFER MORGAN; JANTANA
PAPHALA; and NAZIR YAKUB BELIM,

Defendants.

Civil Action No. 1:19-cv-07642-RA

**NOTICE OF PLAINTIFFS' MOTION TO STRIKE
DEFENDANT ABDULHADI YILDIRIM'S ANSWER**

Plaintiffs Pearson Education, Inc., McGraw Hill, Inc., successor in interest to McGraw-Hill Global Education Holdings, LLC, Cengage Learning, Inc., Bedford, Freeman & Worth Publishing Group, LLC (d/b/a Macmillan Learning), and Elsevier Inc. (collectively, "Plaintiffs"), pursuant to Federal Rule of Civil Procedure 12(f), hereby move for the entry of an Order striking the Answer filed by Defendant Abdulhadi Yildirim's ("Defendant"), ECF No. 112. Plaintiff's motion should be granted because the Answer contains a one-sentence response to all of Plaintiffs' allegations in the Amended Complaint, and Defendant has no good faith basis for asserting a general denial pursuant to Rule 8(b)(3). In addition, Defendant's Answer should be stricken because it asserts boilerplate affirmative defenses, which fail to include any facts in support and/or

are procedurally deficient or barred; an “Answer to All Cross Claims” where no crossclaims have been asserted against Defendant; several “demands” and “requests” for statements and information from Plaintiffs that are not grounded in any procedural basis; and a statement of “notice of intent” to file a Rule 11 motion against Plaintiffs that is wholly unfounded and not based on any procedure in Rule 11 in any event. This Motion is supported by the accompanying Memorandum of Law and Declaration of Matthew I. Fleischman.

Dated: May 1, 2020

/s/ Matthew I. Fleischman

Matthew J. Oppenheim,
Matthew I. Fleischman,
OPPENHEIM + ZEBRAK, LLP
4530 Wisconsin Avenue NW, 5th Floor
Washington, DC 20016
Tel: (202) 480-2999
Fax: (866) 766-1678
matt@oandzlaw.com
fleischman@oandzlaw.com

Attorneys for Plaintiffs

On August 5, 2020, the parties stipulated to the voluntary dismissal of Defendant Abdulhadi Yildirim. Dkt. 138. Accordingly, this motion is denied as moot. The Clerk of Court is respectfully directed to terminate the motion pending at Dkt. 113.
SO ORDERED.



Ronnie Abrams, U.S.D.J.
October 14, 2020