

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

REED, et al.,)	
Plaintiffs,)	CASE NO. 1:08-CV-1761
)	
vs.)	JUDGE CHRISTOPHER A. BOYKO
)	
FREEBIRD FILM PRODUCTIONS, INC., et)	
al.,)	LYNYRD SKYNYRD DEFENDANTS'
)	MOTION FOR SUMMARY JUDGMENT
Defendants.)	
)	

Pursuant to the Court’s Order of January 21, 2009 (“the Order”), Defendants Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling, and Lynyrd Skynyrd Productions, Inc. (collectively, the “Lynyrd Skynyrd Defendants”) respectfully request that this Court withdraw their previous Motion for Summary Judgment, and supporting documents, filed under seal on January 20, 2009. Pursuant to the Order, and after conferring with other counsel in this case, the Lynyrd Skynyrd Defendants have modified the Motion and Memorandum in Support where appropriate, such that it is no longer necessary to file these documents under seal. Accordingly, the Lynyrd Skynyrd Defendants are re-filing the present Motion and Memorandum in Support electronically. However, the Lynyrd Skynyrd Defendants are filing certain documents related to this Motion, i.e., the Haber Declaration and Exhibits F, G, H, L, and Q

to the Avsec Declaration, under seal, pursuant to the Court's January 22, 2009 Order granting leave to do so.

* * *

Pursuant to Rule 56(b) and (c) of the Federal Rules of Civil Procedure, the Lynyrd Skynyrd Defendants hereby respectfully move this Court for an order granting summary judgment in their favor on each of the claims asserted in the Complaint of Plaintiffs Craig Reed and Survivor Films, Inc. because there is no genuine issue as to any material fact and the Lynyrd Skynyrd Defendants are entitled to judgment as a matter of law.

The grounds in support of this Motion are set forth in the attached Memorandum of Support, with attached exhibits, which is incorporated herein by reference.

Respectfully submitted,

DATED: January 23, 2009

/s/ Mark E. Avsec

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Attorneys for Defendants Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling, and Lynyrd Skynyrd Productions, Inc.

CERTIFICATION

Pursuant to Local Rule 7.1(f), the undersigned hereby certifies that this matter has not been assigned to any track and that the Memorandum in Support of Lynyrd Skynyrd Defendants' Motion for Summary Judgment adheres to the page limitations for unassigned cases set forth in Local Rule 7.1.

/s/ Mark E. Avsec _____
*One of the Attorneys for Defendants Freebird Film
Productions, Inc., Fly On, Inc., Vector Management,
Inc., Gary Rossington, Ross Schilling, and Lynyrd
Skynyrd Productions, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2009, a copy of the foregoing **LYNYRD SKYNYRD DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties. Parties may access this filing through the Court's system.

Certain documents related to this Motion that are being filed under seal, i.e., the Haber Declaration and Exhibits F, G, H, L, and Q to the Avsec Declaration, and the things filed manually, i.e., Exhibits O and P to the Avsec Declaration, were served via hand delivery on January 20, 2009 upon counsel for Plaintiffs, H. Alan Rothenbuecher and T. Earl LeVere, at Schottenstein Zox & Dunn, Co., LPA, US Bank Center at Playhouse Square, 1350 Euclid Avenue, Suite 1400, Cleveland, Ohio 44115, and counsel for Defendant RHI Entertainment Distribution, LLC (successor in interest to named Defendant Hallmark Entertainment Dist., LLC), Louis A. Colombo and Brandt W. Gebhardt, at Baker & Hostetler LLP, 2300 National City Center, 1900 East Ninth Street, Cleveland, Ohio 44114.

/s/ Mark E. Avsec

One of the Attorneys for Defendants Freebird Film Productions, Inc., Fly On, Inc., Vector Management, Inc., Gary Rossington, Ross Schilling, and Lynyrd Skynyrd Productions, Inc.