

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA**

MARC BRAGG, Esq., an individual,

CIVIL DIVISION

Plaintiff,

No. 06-cv-4925

v.

JUDGE EDUARDO ROBRENO

LINDEN RESEARCH, INC., a corporation,
and PHILIP ROSEDALE, an individual,

Defendants.

MOTION FOR PRELIMINARY INJUNCTION

AND NOW, comes Plaintiff, Marc Bragg, Esq., by and through counsel, Jason A. Archinaco, Esq., and the law firm of WHITE AND WILLIAMS, LLP, and files the following Motion for Preliminary Injunction, and avers as follows:

1. Plaintiff purchased virtual land from Defendant Linden relying upon numerous representations from both defendants that if he purchased such land, he would own it.
2. Plaintiff has been deprived of his U.S. Currency through defendants actions in misrepresenting land ownership in Second Life and also of the unique virtual land itself (as well as his other virtual possessions).
3. This is a straightforward case of liability against the defendants as they cannot explain nor justify why they caused Plaintiff to: (1) provide them with his money for virtual land, (2) then deprived Plaintiff of his virtual land, (3) sold his virtual land to third parties, and (4) ultimately kept that money for themselves.
4. Plaintiff can establish, as a matter of law, all the necessary elements for the issuance of a Preliminary Injunction in this case, namely:

- a. Plaintiff can demonstrate a reasonable probability of success on the merits of multiple counts in his Complaint;
 - b. Plaintiff can demonstrate that he will be irreparably injured by denial of the relief;
 - c. Granting the preliminary relief will not result in a greater harm to the non-moving party; and,
 - d. Granting the preliminary relief will be in the public interest.
5. For the reasons set forth in detail in Plaintiff's Brief in Support of Preliminary

Injunction and accompanying exhibits (which are incorporated by reference as if more fully set forth at length herein), Plaintiff's Motion for Preliminary Injunction should be granted.

WHEREFORE, for the foregoing reasons, Plaintiff respectfully requests that his Preliminary Injunction be GRANTED and this Honorable Court enter the attached order.

Respectfully submitted,

Date: January 25, 2007

WHITE AND WILLIAMS, LLP

By CB 1429

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ORDER OF COURT GRANTING PRELIMINARY INJUNCTION

AND NOW, to wit, this _____ day of _____, 2007, upon consideration of Plaintiff's Motion for Preliminary Injunction and Brief in Support, said Motion is hereby GRANTED. The Court hereby Orders and defendants are hereby preliminarily enjoined as follows:

1. Consumers who purchase virtual land from Defendant Linden are the owners of that virtual land;
2. Plaintiff owned the virtual land that he purchased from Defendant Linden and third-parties;
3. Defendant Linden shall restore Plaintiff with title to his land as such land is set forth in Exhibit "3" to the Brief in Support of Preliminary Injunction;
4. Defendant Linden shall restore all Plaintiff's virtual items in his account, including all his virtual buildings, businesses, goods and otherwise;
5. Defendant Linden shall restore Plaintiff's access back to his virtual land, goods, items, and the currency in his account, including his Linden and U.S. dollars; and,

6. Defendant Linden shall not interfere with Plaintiff's use and/or disposition of his virtual items, goods, land and his U.S. currency.

By _____
Judge, United States District Court