

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

_____)	
VALENCIA M. MCCLATCHEY,)	
)	
Plaintiff,)	
)	Civil Action No. 05-145J
v.)	
)	
THE ASSOCIATED PRESS,)	
)	
Defendant.)	
_____)	

**MOTION IN LIMINE TO LIMIT PLAINTIFF TO TWO STATUTORY
DAMAGE AWARDS UNDER THE DIGITAL MILLENNIUM COPYRIGHT ACT**

Defendant The Associated Press (“AP”) through its undersigned counsel, for the reasons set forth in the accompanying memorandum, respectfully moves this Court *in limine* for an Order limiting Plaintiff to a total of two statutory awards if she prevails on both of her claims under the Digital Millennium Copyright Act.

Dated: May 4, 2007

Respectfully submitted,
LEVINE SULLIVAN KOCH & SCHULZ, L.L.P.

By: /s/ Robert Penchina

Robert Penchina (*Pro Hac Vice*)
321 West 44th Street, Suite 510
New York, NY 10036
(212) 850-6100
(212) 850-6299 (Fax)

Gayle C. Sproul (I.D. No. 38833)
Michael Berry, I.D. No. 86351 (*Pro Hac Vice*)
2112 Walnut Street, Third Floor
Philadelphia, Pennsylvania 19103
(215) 988-9778
(215) 988-9750 (Fax)

Attorneys for The Associated Press

MOTION *IN LIMINE* CERTIFICATE

I HEREBY CERTIFY that despite the reasonable and good faith efforts of the parties to this action to reach agreement concerning the issues raised by this motion *in limine*, the parties were unable to reach such an agreement.

/s/ Robert Penchina

Robert Penchina

