

**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 EXCLUDE  
CERTAIN DOCUMENTS AND TESTIMONY REGARDING IPHOTOART**

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 excluding documents and testimony concerning iPhotoArt.

Dated: May 4, 2007

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

By:  /s/ Robert Penchina

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*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

**CERTIFICATE OF SERVICE**

I, Michael Berry, hereby certify that on this 4th day of May, 2007, I caused to be served a true and correct copy of the foregoing Motion *in Limine*, as well as the Memorandum in support thereof and accompanying Proposed Order, via the Court's ECF system, upon the following counsel of record:

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\_\_\_\_\_  
*/s/ Michael Berry*  
Michael Berry