

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ERIK CURRAN,

Plaintiff,

-v-

AMAZON.COM, INC., a Delaware corporation; GETTY IMAGES, INC., a Delaware corporation; ST MARTIN'S PRESS, LLC, a New York corporation; SIDESHOW, INC., d/b/a SIDESHOW COLLECTIBLES, a Delaware corporation; HOT TOYS, LTD., a business entity incorporated in Hong Kong; and CAFÉ PRESS.COM, INC, a Delaware corporation,

Defendants.

Civil Action No. 2:07-cv-354
(Honorable John T. Copenhaver)

**MOTION TO DISMISS OF
DEFENDANT HOT TOYS, LTD.**

Hot Toys, Ltd. ("Hot Toys"), hereby moves, pursuant to Fed. R. Civ. P. 12(b)(6), to dismiss all claims asserted against it by plaintiff, Erik Curran ("Plaintiff"), because the allegations in the Complaint fail to state a claim upon which relief can be granted. The reasons for this Motion to Dismiss are more fully discussed in the accompanying Memorandum of Law in Support of Defendant Hot Toys, Ltd.'s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6).

WHEREFORE, Hot Toys respectfully requests that this Court enter an order dismissing all claims against it alleged in the Complaint, with prejudice, and awarding Hot Toys its attorney's fees incurred in defending this action.

Dated: January 22, 2008

DINSMORE & SHOHL LLP

By: /s/ Mychal Sommer Schulz
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CHARLESTON DIVISION**

ERIK CURRAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-cv-00354

**AMAZON.COM, INC., GETTY
IMAGES, INC., ST. MARTIN'S
PRESS, LLC, SIDESHOW, INC.,
HOT TOYS, LTD., CAFÉ
PRESS.COM, INC.,**

Defendants.

CERTIFICATE OF SERVICE

I, Mychal S. Schulz, do hereby certify that a true and correct copy of the foregoing **Motion to Dismiss of Defendant Hot Toys, Ltd.** has been filed electronically via CM/ECF and notification will be provided to the following:

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This the 22nd day of January, 2008.

/s/ Mychal Sommer Schulz