

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

AT CHARLESTON

ERIK CURRAN,

Plaintiff,

v.

**CIVIL ACTION NO.: 2:07-0354
(Judge John T. Copenhaver)**

AMAZON.COM, INC., a Delaware corporation; GETTY IMAGES, INC., a Delaware corporation; ST. MARTIN'S PRESS, LLC, 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.

MOTION TO DISMISS

COMES NOW, St. Martin's Press, LLC ("St. Martin's Press") and hereby moves to dismiss the claims of Erik Curran ("Curran") pursuant to Federal Rule of Civil Procedure Rule 12(b)(6) in that the claims set forth in his Complaint fail to state a cause of action upon which relief can be granted and that no set of facts would support liability against St. Martin's Press as pled by Curran's Complaint. The reasons for this Motion to Dismiss are more fully set out in the accompanying Memorandum of Law attached hereto.

ST. MARTIN'S PRESS, LLC

By Counsel

s/David Allen Barnette
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Defendants.

CERTIFICATE OF SERVICE

I, David Allen Barnette, counsel for Amazon.com, Inc., does hereby certify that on June 8, 2007, the *Motion to Dismiss and Memorandum of Law* was filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants shown below:

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I hereby certify that I have mailed the *Motion to Dismiss and Memorandum of Law* by First Class United States Mail to the following non-CM/ECF participants:

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s/David Allen Barnette
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