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Attorneys for defendant "John Doe" a/k/a Doe No. 8
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Morlan Ty Rogers (MR 3818)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ATLANTIC RECORDING CORPORATION, et al.,

No. 05 CV 9111 (LTS)(DFE)

Plaintiffs,

ELECTRONICALLY FILED

-against-

DOES 1-25,

**NOTICE OF
MOTION**

Defendants.

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PLEASE TAKE NOTICE that, upon the annexed affidavit of Morlan Ty Rogers, Esq., the exhibit annexed thereto and the accompanying Memorandum of Law, the undersigned hereby moves before the Honorable Laura Taylor Swain, United States District Judge, in Courtroom 1305 of the United States District Court for the Southern District of New York, 40 Centre Street, New York, New York 10007, for an Order vacating the Court's October 27, 2005 *Ex Parte* Order which granted plaintiffs' Application for Immediate Discovery, and granting such other and further relief as may be just and proper.

The undersigned certifies that prior to making this motion, the movant used his best efforts to resolve informally the matters raised in this motion.

PLEASE TAKE FURTHER NOTICE that opposing affidavits and memoranda of law, if any, must be served upon the undersigned within ten (10) business days pursuant to Local Rule 6.1(b) and must be filed with the Court in accordance with applicable rules. Unless such affidavits and memoranda of law are timely served and filed, the relief sought herein may be granted.

Dated: New York, New York
December 29, 2005

BELDOCK LEVINE & HOFFMAN LLP
Attorneys for defendant "John Doe"
a/k/a Doe No. 8

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