

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
DAN BROWN and RANDOM HOUSE, INC.,

Plaintiffs,

- vs. -

LEWIS PERDUE,

Defendant.

Civil Action No.
04 CV 7417 (GBD)

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LEWIS PERDUE,

Counterclaimant,

- vs. -

DAN BROWN and RANDOM HOUSE, INC.,
COLUMBIA PICTURES INDUSTRIES, INC.,
SONY PICTURES ENTERTAINMENT INC.,
SONY PICTURES RELEASING CORPORATION,
IMAGINE FILMS ENTERTAINMENT, LLC,

Counterclaim Defendants
----- X

NOTICE OF MOTION

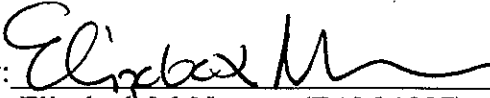
PLEASE TAKE NOTICE that upon the annexed Affidavit of Elizabeth McNamara, the exhibits annexed thereto, and the Memorandum of Law and Local Rule 56.1 Statement submitted herewith, Plaintiffs Dan Brown (“Brown”) and Random House, Inc. (“Random House”) (collectively, “Plaintiffs”) will move this Court, before the Honorable George B. Daniels, at a time and date to be set by the Court, for an Order, pursuant to Federal Rule of Civil Procedure 12(c) or 56, for judgment on the pleadings or, in the alternative, summary judgment on their declaratory judgment claim, or such other further relief as the Court deems just and proper. Plaintiffs will further move the Court, along with additional Counterclaim Defendants Columbia Pictures Industries, Inc. (“Columbia”), Sony

Pictures Entertainment Inc. (“Sony Entertainment”), Sony Pictures Releasing Corporation (“Sony Releasing”) and Imagine Films Entertainment, LLC (“Imagine”), pursuant to Federal Rule of Civil Procedure 12(b)(6) or 56, to dismiss all counterclaims asserted by Lewis Perdue for failure to state a claim, or in the alternative for summary judgment, or such other further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the agreement of the parties and the Order of this Court, opposing affidavits and answering memoranda of law shall be served on or before March 25, 2005; reply affidavits and memoranda of law shall be served on or before April 8, 2005; and oral argument shall be heard at 10:00 a.m. on April 19, 2005.

Dated: New York, New York
February 25, 2005

DAVIS WRIGHT TREMAINE LLP

By: 

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Inc., Sony Pictures Entertainment Inc., Sony
Pictures Releasing Corporation, Imagine Films
Entertainment, LLC

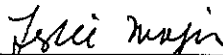
Of counsel:

Katherine J. Trager
Michael I. Rudell
David DeJute

forth below:

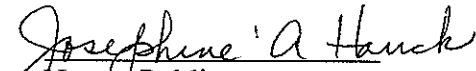
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Attorneys for Defendant



Leslie Majer

Sworn to before me this
25th day of February, 2005



Notary Public

155266

JOSEPHINE A. HAUCK
Notary Public, State of New York
No. 01-4797784
Qualified in Nassau County
Term Expires April 30, 20 07