

**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 LIMIT PLAINTIFF TO ONE  
STATUTORY DAMAGE AWARD UNDER THE COPYRIGHT ACT**

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 limiting Plaintiff to one statutory damage award if she prevails on her copyright claims, regardless of the number of infringements or the number of theories of liability proven at trial.

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