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 BLINDING EDGE PICTURES, INC.; UNCLE
 9 GEORGE PRODUCTIONS, LLC; APPLE INC.;
 ESCAPE ARTISTS, INC. (erroneously sued as
 10 ESCAPE ARTISTS LLC); DOLPHIN BLACK
 PRODUCTIONS; M. NIGHT SHYAMALAN;
 11 TONY BASGALLOP; ASHWIN RAJAN;
 JASON BLUMENTHAL; TODD BLACK;
 12 STEVE TISCH

13 **UNITED STATES DISTRICT COURT**
 14 **CENTRAL DISTRICT OF CALIFORNIA**
 15

16 FRANCESCA GREGORINI,
 17 Plaintiff,

18 vs.

19 APPLE INC., a California corporation;
 M. NIGHT SHYAMALAN, an
 20 individual, BLINDING EDGE
 PICTURES, INC., a Pennsylvania
 21 corporation; UNCLE GEORGE
 PRODUCTIONS, a Pennsylvania
 22 corporate; ESCAPE ARTISTS LLC, a
 California limited liability company;
 23 DOLPHIN BLACK PRODUCTIONS, a
 California corporation; TONY
 24 BASGALLOP, an individual; ASHWIN
 RAJAN, an individual; JASON
 25 BLUMENTHAL, an individual; TODD
 BLACK, an individual; STEVE TISCH,
 26 an individual; and DOES 1-10, inclusive,

27 Defendants.
 28

Case No. 2:20-cv-00406-JFW-JC

**DEFENDANTS' NOTICE OF
 MOTION AND MOTION TO
 DISMISS PLAINTIFF'S
 COMPLAINT**

Date: March 23, 2020
 Time: 1:30 p.m.
 Crtrm: 7A

1 **TO PLAINTIFF AND HER ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on March 23, 2020, at 1:30 p.m. or as soon as
3 may be heard in Courtroom 7A of the United States District Court for the Central
4 District of California, First Street Courthouse, 350 West First Street, Los Angeles,
5 California 90012, defendants Blinding Edge Pictures, Inc., Uncle George
6 Productions, LLC, Apple Inc., Escape Artists, Inc. (erroneously sued as Escape
7 Artists LLC), Dolphin Black Productions, M. Night Shyamalan, Tony Basgallop,
8 Ashwin Rajan, Jason Blumenthal, Todd Black, and Steve Tisch (collectively,
9 “Defendants”) will and hereby do move this Court for an order dismissing with
10 prejudice the complaint filed by plaintiff Francesca Gregorini (“Plaintiff”).

11 This motion is made pursuant to [Federal Rule of Civil Procedure 12\(b\)\(6\)](#) on
12 the grounds that Plaintiff’s complaint fails to state a claim. Her first cause of action
13 for copyright infringement fails because there is no substantial similarity of
14 protected expression between the works at issue. Because her claim for direct
15 copyright infringement fails, so too does her second cause of action for contributory
16 and vicarious copyright infringement.

17 This motion is based on this notice of motion, the memorandum of points and
18 authorities, the request for judicial notice, the declaration of Cydney Swofford
19 Freeman, the notice of lodging with exhibits, and all other matters of which this
20 Court may take judicial notice, the pleadings, files, and records in this action, and
21 on any argument heard by this Court.

22 This motion is made following the conference of counsel pursuant to [L.R. 7-3](#)
23 which took place on February 11, 2020. See [Dkt. 18](#).

24
25 DATED: February 18, 2020

DAVIS WRIGHT TREMAINE LLP

26 By: /s/ Nicolas A. Jampol
27 Nicolas A. Jampol

28 Attorneys for Defendants

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