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AUG 15 2008  
DISTRICT COURT  
SDNY

VIA FACSIMILE  
(212) 805-7901

August 15, 2008

The Honorable Harold Baer, Jr.  
500 Pearl Street  
Chambers 2230  
New York, New York 10007

RE: Capitol Records, LLC et al. v. VideoEgg, Inc. and hi5 Networks, Inc. et al.  
Case No. 1:08-CV-05831-HB

Dear Judge Baer:

We represent Defendant hi5 Networks, Inc. in this case. On July 31, 2008, hi5 Networks filed a motion to dismiss on the ground of lack of personal jurisdiction and on the ground of improper venue; in the alternative, hi5 Networks moves for a transfer of venue to the Northern District of California. Plaintiffs' opposition brief and hi5 Networks' reply brief have not been filed yet and no hearing date has been set.

Before the motion was filed, the Court scheduled the Pre-Trial Conference for Thursday, September 4, 2008, at 4:30 p.m. Given the pendency of the motion to dismiss or, in the alternative, to transfer venue, we respectfully ask the Court to adjourn the Pre-Trial Conference until the motion is resolved. If the case were to be dismissed or transferred to another court, there would be no need for a Pre-Trial Conference before this Court. We believe an adjournment is appropriate from a case management perspective and would also conserve judicial and party resources.

We have conferred with counsel for Defendant VideoEgg, Inc. and counsel for Plaintiffs about this issue. VideoEgg joins in this request for adjournment. Plaintiffs do not join in this request and instead would prefer to proceed with the conference on September 4.

Pursuant to the Court's rule, a current copy of the docket report is enclosed.

Respectfully submitted,

*Janet Cullum/ETL*

Janet L. Cullum

Enclosures

JLC/ln

*Denied.*

*Harold Baer 8/15/08*

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