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15 [Additional counsel continued on signature page]

16 **UNITED STATES DISTRICT COURT**  
17 **CENTRAL DISTRICT OF CALIFORNIA**  
18 **SOUTHERN DIVISION**

19 NORTHLAND FAMILY PLANNING  
20 CLINIC, INC.,

21 Plaintiff,

22 vs.

23 CENTER FOR BIO-ETHICAL  
24 REFORM, *et al.*,

25 Defendants.

Case No.: 8:11-cv-00731-JVS-AN

**DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

Date: June 4, 2012

Time: 1:30 pm

Courtroom: 10C

Hon. James V. Selna

Defendants Center for Bio-Ethical Reform (hereinafter "CBR"), Gregg  
Cunningham, Donald Cooper, Seth Gruber, Todd Bullis, Eric Holmberg, and Reel  
to Real Ministries, Inc. (d/b/a The Apologetics Group) (hereinafter "TAG"), by  
and through undersigned counsel, hereby move this court pursuant to Fed. R. Civ.

1 P. 56 for summary judgment because there is no genuine issue of material fact  
2 and they are entitled to judgment as a matter of law.

3 In support of this motion, Defendants rely upon the pleadings and papers of  
4 record, as well as their memorandum of points and authorities filed with this  
5 motion and the associated declaration, depositions, and exhibits.

6 As demonstrated more fully in Defendants' memorandum, Defendants' use  
7 of Plaintiff's video was "fair use" under 17 U.S.C. § 107 and thus not an  
8 infringement of copyright.

9 This motion is made following the conference of counsel pursuant to L.R.  
10 7-3, which took place on February 29, 2012.

11 WHEREFORE, Defendants respectfully requests that this court grant their  
12 motion and enter judgment in their favor. Additionally, Defendants request that  
13 this court award them their reasonable attorneys' fees and costs pursuant to 17  
14 U.S.C. § 505 and other applicable law for having to defend against this meritless  
15 litigation.

16 Respectfully submitted,

17 LAW OFFICES OF DAVID YERUSHALMI, P.C.

18 /s/ David Yerushalmi

19 David Yerushalmi, Esq.

20 AMERICAN FREEDOM LAW CENTER

21 /s/ Robert J. Muise

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 16, 2012, I electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record. Parties not on ECF system and requiring postal service: none.

Respectfully submitted,  
/s/ Robert J. Muise  
Robert J. Muise, Esq.  
*Co-counsel for Defendants*