

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE DIGITAL MUSIC ANTITRUST
LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC # _____ DATE FILED: <u>10/21/08</u>

06 MDL 1780 (LAP)

JUDGMENT

Defendants having moved to dismiss the Second Consolidated Amended Complaint ("SCAC") pursuant to Fed. R. Civ. P. 12(b)(6) and, in the alternative, to strike certain portions of the SCAC pursuant to Rule 12(f), plaintiffs having moved to amend one paragraph of the SCAC to add certain allegations, and the matter having come before the Honorable Loretta A. Preska, United States District Judge, and the Court, on October 9, 2008, having rendered its Opinion granting defendants' motion to dismiss the SCAC and denying plaintiffs' motion to amend SCAC Paragraph 99 as futile, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion dated October 9, 2008, defendants' motion to dismiss the SCAC is granted and plaintiffs' motion to amend SCAC Paragraph 99 is denied as futile; accordingly, the case is closed and all pending motions denied as moot.

Dated: New York, New York
October 21, 2008

J. MICHAEL McMAHON

Clerk of Court

BY:



Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**