

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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SAMUEL BARTLEY STEELE, :
:
Plaintiff, : Civil Action
v. : No. 10-11458-NMG
:
ANTHONY RICIGLIANO, BOB BOWMAN, BOSTON :
RED SOX BASEBALL CLUB LIMITED :
PARTNERSHIP, BRETT LANGEFELS, CRAIG BARRY, :
DONATO MUSIC SERVICES, INC., FENWAY SPORTS :
GROUP a/k/a FSG f/k/a New England Sports Enterprises :
LLC, JACK ROVNER, JAY ROURKE, JOHN :
BONGIOVI, individually and d/b/a Bon Jovi Publishing, :
JOHN W. HENRY, LAWRENCE LUCCHINO, MAJOR :
LEAGUE BASEBALL ADVANCED MEDIA, L.P., :
MAJOR LEAGUE BASEBALL PROPERTIES, INC., :
a/k/a and/or d/b/a Major League Baseball Productions, :
MARK SHIMMEL individually and d/b/a Mark Shimmel :
Music, MIKE DEE, NEW ENGLAND SPORTS :
ENTERPRISES LLC f/d/b/a Fenway Sports Group f/a/k/a :
FSG, RICHARD SAMBORA individually and d/b/a :
Aggressive Music, SAM KENNEDY, THOMAS C. :
WERNER, TIME WARNER INC., TURNER :
BROADCASTING SYSTEM, INC., TURNER SPORTS, :
INC., TURNER STUDIOS, INC., VECTOR :
MANAGEMENT LLC f/k/a and/or a/k/a and/or successor :
in interest to Vector Management, WILLIAM FALCON :
individually and d/b/a Pretty Blue Songs, :
Defendants. :
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DEFENDANTS' MOTION TO DISMISS THE VERIFIED COMPLAINT

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Bob Bowman, New England Sports Enterprises, LLC d/b/a Fenway Sports Group, James Rourke (misidentified in the Verified Complaint as "Jay" Rourke), John Bongiovi, individually and d/b/a Bon Jovi Publishing, John W. Henry, Lawrence Lucchino, Major League Baseball Advanced Media, L.P., Major League Baseball Properties, Inc., Mark Shimmel, individually and d/b/a

Mark Shimmel Music, Mike Dee, Richard Sambora, individually and d/b/a Aggressive Music, Sam Kennedy, Thomas C. Werner, Time Warner Inc., Turner Sports, Inc., Turner Studios, Inc., and William Falcone, individually and d/b/a Pretty Blue Songs (collectively, the "Defendants") hereby move for an order dismissing the Verified Complaint with prejudice.

As grounds therefore, the Defendants refer to the memorandum filed on September 1, 2010 by Defendants Turner Broadcasting System, Inc. and Boston Red Sox Baseball Club Limited Partnership in support of their Motion To Dismiss And For Other Relief (*Steele III* Docket No. 8), and adopt in their entirety the arguments set forth therein.

LOCAL RULE 7.1 CERTIFICATION

I, Christopher G. Clark, hereby certify that on November 5, 2010 I conferred with counsel for Plaintiff in a good faith attempt to resolve or narrow the issues herein but was unable to obtain the Plaintiff's assent to the specific relief requested in this motion.

Dated: November 5, 2010

/s/ Christopher G. Clark
Christopher G. Clark

Dated: November 5, 2010
Boston, Massachusetts

Respectfully submitted,

Of Counsel:

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/s/ Matthew J. Matule
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Enterprises, LLC d/b/a Fenway Sports Group,
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Lawrence Lucchino, Major League Baseball
Advanced Media, L.P., Major League Baseball
Properties, Inc., Mark Shimmel, individually
and d/b/a Mark Shimmel Music, Mike Dee,
Richard Sambora, individually and d/b/a
Aggressive Music, Sam Kennedy, Thomas C.
Werner, Time Warner Inc., Turner Sports, Inc.,
Turner Studios, Inc., and William Falcone,
individually and d/b/a Pretty Blue Songs

CERTIFICATE OF SERVICE

I, Christopher G. Clark, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on November 5, 2010.

Dated: November 5, 2010

/s/ Christopher G. Clark
Christopher G. Clark