

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SONYA WHITTEN LATIMORE,

Plaintiff,

-against-

NBC UNIVERSAL, INC. d/b/a NBC Universal  
Television Distribution; REVEILLE, LLC;  
McCREARY & FULLER PUBLIC RELATIONS  
CORP; KIM FULLER, individually and as partner  
of McCreary & Fuller Public Relations Corp.;  
DOES 1 through 50 inclusive,

Defendants.

**SUMMARY ORDER GRANTING  
MOTION FOR SUMMARY  
JUDGMENT AND DENYING  
CROSS-MOTION FOR  
ADDITIONAL DISCOVERY**

07 Civ. 9338 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

On November 9, 2010, defendants NBC Universal, Inc. and Reveille, LLC moved for summary judgment on plaintiff Sonya Whitten Latimore’s federal copyright infringement claim—the only claim still pending against those defendants. On December 6, 2010, Latimore filed a cross-motion, pursuant to Federal Rule of Civil Procedure 56(d), for leave to take additional discovery. The parties appeared before me on February 22, 2011, for oral argument on the two motions. For the reasons stated on the record, I deny Latimore’s Rule 56(d) motion for additional discovery and grant NBC and Reveille’s motion for summary judgment.

In granting NBC and Reveille’s motion for summary judgment, I find that there is no substantial similarity between the protectable elements of Latimore’s allegedly infringed work and NBC and Reveille’s allegedly infringing work. Latimore’s federal copyright infringement claim against defendants Kim Fuller and McCreary & Fuller Public Relations Corp. is based upon the same two disputed works as her claim against NBC and Reveille. Because

Latimore cannot show a substantial similarity between the two works, I sua sponte dismiss the federal copyright infringement claim alleged against defendants Fuller and McCreary & Fuller Public Relations Corp.

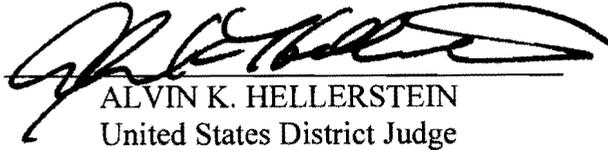
Because Latimore's federal claims are hereby dismissed, and because there are insufficient allegations to support an exercise of diversity jurisdiction, I decline to exercise supplemental jurisdiction over Latimore's state-law conversion, unjust enrichment, and breach of contract claims, alleged against defendants Fuller and McCreary & Fuller Public Relations Corp. See 28 U.S.C. § 1367(c)(3).

Any and all claims alleged against defendants Does 1 through 50 inclusive are also hereby dismissed, for the reasons stated above.

The Clerk shall mark the motions (Docs. No. 49, 64) terminated and the case closed. The Clerk shall also enter judgment in favor of defendants.

SO ORDERED.

Dated: February 22, 2011  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge