

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRESCIENT ACQUISITION GROUP, INC.
d/b/a Prescient Capital Corp.,

Plaintiff,

Case No.: 05 CV 6298
(PKC)(AJP)
ECF Case

-against-

NOTICE OF MOTION

MJ PUBLISHING TRUST, MJ-ATV PUBLISHING
TRUST, NEW HORIZON TRUST and MICHAEL
J. JACKSON

Defendants.

PLEASE TAKE NOTICE THAT, upon the accompanying Declaration of Desmond C. Whitaker, sworn to on January 2, 2007, the exhibits annexed thereto, the Motion to Amend, Memorandum of Law dated January 2, 2007, and upon all the pleadings and proceedings hereto had herein, the undersigned pursuant to Federal Rules of Civil Procedure 15(a) and 16(b), will move this Court before the Honorable P. Kevin Castel, in Courtroom 12C of the Courthouse, 500 Pearl Street, New York, NY 10007, at such date and time as the Court shall determine, for an order granting defendants MJ Publishing Trust, MJ-ATV Publishing Trust and Michael J. Jackson (collectively "MJ Defendants") leave to amend their Answer to add an affirmative defense of New York General Obligations Law § 5-531 and for such other and further relief as this Honorable Court deems just and appropriate.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the directives of the Court, the schedule for service and filing of the present motion is as follows:

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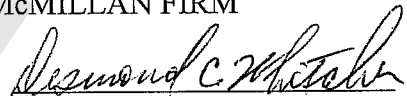
- (1) Defendants Motion for Summary Judgment and accompanying papers shall be served and filed on or before January 5, 2007;
- (2) Answering papers shall be served and filed on or before January 24, 2007;
and
- (3) Reply papers shall be served and filed on or before February 1, 2007.

Dated: New York, New York
January 4, 2007

Respectfully Submitted,

THE McMILLAN FIRM

By:



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