

)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civ. Action No. 41-1395
)	(relates to former Civ. Action
)	No. 42-245) (WCC)
v.)	
)	
THE AMERICAN SOCIETY OF COMPOSERS,)	
AUTHORS AND PUBLISHERS,)	
)	
Defendant.)	
)	

Pursuant to Section VI of the Final Judgment entered on March 14, 1950, as modified on November 14, 1997, the parties respectfully submit this motion to vacate the Final Judgment and to dismiss this action without prejudice. The Plaintiff's reasons for supporting the Motion are set forth in the Memorandum of the United States to be filed separately. ASCAP joins in this motion. As ASCAP has not reviewed the Memorandum of the United States, it cannot concur with that Memorandum.

The parties are simultaneously filing a motion in *United States v. American Society of Composers, Authors and Publishers*, Civ. Action No. 41-1395, that requests that the Court enter the proposed Second Amended Final Judgment, which replaces the Amended Final Judgment dated March 14, 1950, and all amendments and modifications thereto. The proposed Second Amended Final Judgment incorporates the substantive provisions of the Final Judgment in this

action (the “Foreign Decree”). By its own terms, the Second Amended Final Judgment vacates the Final Judgment in this action and the Amended Final Judgment upon the effective date of the Second Amended Final Judgment.

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