

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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SONY BMG MUSIC ENTERTAINMENT,  
ET AL

Case Number: 07-CV-11446

Plaintiffs,

V.

JOEL TENENBAUM,

Defendant.

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MOTION FOR LEAVE TO AMEND DEFENDANT'S ANSWER

NOW COMES Defendant JOEL TENENBAUM, appearing PRO SE, and respectfully moves for an entry of an order, pursuant to Rule 15 of the Federal Rules of Civil Procedure, allowing him to file a First Amended Answer on the grounds that he needs to file an Amended Answer to include counterclaims, affirmative defenses to include, inter alia, that the minimum statutory damages of \$750.00 per sound recording sought by Plaintiff's pursuant to 17 U.S.C. 504(c) (1) of the Copyright Act are unconstitutionally excessive, and disproportionate to any actual damages that may have been sustained, in violation of the Due Process Clause."

Leave to amend pleadings "shall be freely given when justice so requires." Fed. R. Civ. P Section 15 (a). The Supreme Court and the Second Circuit have emphasized that leave to amend should only be denied if there is a good reason for it, such as futility, bad faith, undue delay, or undue prejudice to the opposing party. See, Foman v. Davis, 371 U.S. 178, 182.

There has been no bad faith, undue delay, or undue prejudice to the opposing party by granting leave to Amend Defendant's Answer.

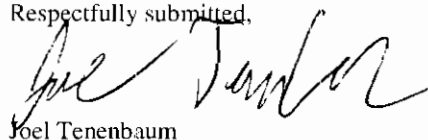
WHEREFORE, Joel Tencnbaum respectfully prays for entry of an order, pursuant to Rule 15 of

the Federal Rules of Civil Procedure, granting his motion for leave to amend his answer, and for such other and further relief as to which he is entitled.

Dated: Boston, Massachusetts

October, 99, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joel Tenenbaum", written in a cursive style.

Joel Tenenbaum