

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

DR. KEITH F. BELL,

Plaintiff,

v.

Case No. 2:22-cv-227

THE MILWAUKEE BOARD OF SCHOOL
DIRECTORS and SHON HARALSON,
an employee of Milwaukee Public Schools,

Honorable Lynn Adelman

Defendants.

DEFENDANTS' MOTION TO DISMISS

The Milwaukee Board of School Directors (“MPS”) and Rishon R. Haralson (incorrectly sued as “Shon Haralson” and hereinafter “Mr. Haralson”), by and through their attorneys, Stafford Rosenbaum, LLP, hereby move pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(c) for an order dismissing with prejudice all claims in the Complaint.

Counts I-III should be dismissed with prejudice as untimely under the three year statute of limitations governing copyright claims. 17 U.S.C. § 507(b). Counts I-II should be dismissed with prejudice under the fair use doctrine. 17 U.S.C. § 107. Count III should be dismissed because Bell alleges that copyright management information (such as his name and the copyright symbol) were removed from his work, but Bell himself routinely publishes his work without copyright management information. In addition, the Court should grant MPS and Mr. Haralson leave to file a fee petition pursuant to 17 U.S.C. § 505.

This Motion is based upon the pleadings, along with the brief in support and Declaration of David P. Hollander filed with this Motion.

Dated: July 13, 2022.

By: /s/ David P. Hollander
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