

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CAPITOL RECORDS, INC., *et al.*, )  
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 Plaintiffs, ) Civ. Act. No.  
 ) 03-CV-11661-NG  
 v. ) (LEAD DOCKET NUMBER)  
 )  
 NOOR ALAUJAN, )  
 )  
 )  
 Defendant. )  
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SONY BMG MUSIC ENTERTAINMENT, *et al.*, )  
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 )  
 Plaintiffs, ) Civ. Act. No.  
 ) 07-CV-11446-NG  
 v. ) (ORIGINAL DOCKET NUMBER)  
 )  
 )  
 JOEL TENENBAUM, )  
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 )  
 Defendant. )  
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**DEFENDANT'S NOTICE OF PETITION FOR REHEARING EN BANC IN THE  
COURT OF APPEALS AND MOTION TO STAY THE APRIL 30, 2009 OMNIBUS  
HEARING**

Defendant hereby notifies this Court that he has filed a motion in the United States Court of Appeals for the First Circuit for a rehearing en banc in the matter of Plaintiffs' Petition for a Writ of Mandamus or Prohibition.

Defendant hereby moves this Court to stay the April 30, 2009 omnibus hearing in the above-captioned matter to give the

Court of Appeals the opportunity to act.

Defendant hereby certifies that he has conferred with Plaintiffs, who indicate that they will oppose this motion.

JOEL TENENBAUM.

Dated: April 30, 2009

By his attorneys,

/s/Charles R. Nesson

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\* Assisted by Isaac Meister, Raymond J. Bilderbeck, and Stephanie R. Weiner.

**CERTIFICATE OF SERVICE**

I, the undersigned hereby certify that on April 30, 2009, I caused a copy of the foregoing **DEFENDANT'S NOTICE OF PETITION FOR REHEARING EN BANC IN THE COURT OF APPEALS AND MOTION TO STAY THE APRIL 30, 2009 OMNIBUS HEARING** to be served upon the Plaintiffs via the Electronic Case Filing (ECF) system; first-class mail, postage pre-paid; and electronic mail (where available); at the following addresses:

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