

## Axinn Successfully Defeats a Motion to Dismiss on Behalf of Pro Bono Client

May 10, 2018

### ATTORNEYS

Gaglio, Nicholas

### PRACTICE AREAS

Antitrust

Intellectual Property

Litigation

Axinn successfully defeated a motion to dismiss in a Copyright Act action for a pro bono client in the District Court for the Northern District of New York.

The case, brought through Axinn's partnership with Volunteer Lawyers for the Arts seeks damages and injunctive relief against the client's former partner and co-singer/songwriter. The complaint alleges that the Defendant attempted to obstruct and reduce the client's right to royalties for songs he wrote and co-wrote. The Defendant moved to dismiss the case for failure to state a claim and lack of subject matter jurisdiction. The court denied the Defendant's motion to dismiss, finding that the complaint pleaded sufficient facts to state a claim of copyright infringement under the Copyright Act, granting the court jurisdiction over both federal and state claims.

The Axinn team included partner Nick Gaglio. The case is *McLoughlin v. Powers*, 17-cv-1070 (N.D.N.Y.).