

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT INDIANA
LAFAYETTE DIVISION**

MALIBU MEDIA, LLC,)
)
 Plaintiff,) Civil Case No.: 4:13-cv-00027-JD-JEM
)
 v.)
)
 JOHN DOE subscriber assigned IP address)
 98.226.144.247,)
)
 Defendant.)
 _____)

PLAINTIFF'S RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE

Undersigned counsel respectfully submits the following response to the Court's Show Cause Order of September 12, 2013. Undersigned did not misrepresent facts regarding his compliance with this Court's Protective Orders at the August 29, 2013, show cause hearing. Plaintiff's Notice of Settlement and Voluntary Dismissal filed in case number 3:13-cv-328-RLM-JEM was the result of negotiations which occurred entirely through the Mudd Law Offices and attorney Charles Mudd of 3114 W. Irving Park Rd., Suite 1W, Chicago, IL 60618 (Phone: 773-588-5410) – although counsel for defendant did not make a formal appearance in that case. At no point did undersigned have any contact with the defendant whatsoever.

On May 31, 2013, undersigned received an e-mail from the Mudd Law Offices notifying undersigned that they represented the defendant in the above case and that the defendant was interested in settling. Thereafter, settlement was negotiated entirely through the Mudd Law Offices and at no time did undersigned communicate with the anonymous defendant, who is unknown to undersigned to this day. Because the settlement was consummated with an attorney, and undersigned never communicated with the defendant, undersigned did not violate this

Court's Protective Orders which state: "Plaintiff . . . shall hereafter refrain from any direct communication with Defendant without express leave of Court . . . Communications with *counsel* for a putative Defendant *are permitted*." See *Malibu Media, LLC v. John Doe*, 3:13-cv-328-RLM-JEM, CM/ECF 6, at p. 5 (emphasis added). Accordingly, undersigned did not misrepresent facts regarding his compliance with this Court's Protective Orders at the August 29, 2013 show cause hearing.

Dated: September 16, 2013

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

By: /s/ Paul J. Nicoletti
Paul J. Nicoletti, Esq. (P44419)
36880 Woodward Ave, Suite 100
Bloomfield Hills, MI 48304
Tel: (248) 203-7800
Fax: (248) 203-7801
E-Fax: (248) 928-7051
Email: paul@nicoletti-associates.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul J. Nicoletti
Paul J. Nicoletti, Esq. (P44419)