

1 Morgan E. Pietz (SBN 260629)  
THE PIETZ LAW FIRM  
2 3770 Highland Ave., Ste. 206  
Manhattan Beach, CA 90266  
3 [mpietz@pietzlawfirm.com](mailto:mpietz@pietzlawfirm.com)  
Telephone: (310) 424-5557  
4 Facsimile : (310) 546-5301

5 Attorney for: Putative John Doe No. 5 in 12-3614  
6 Putative John Doe No. 10 in 12-3615  
7 Putative John Doe No. 9 in 12-3622

8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

10 MALIBU MEDIA, LLC, a California limited  
11 liability company,

12 Plaintiff,

13 v.

14 JOHN DOES 1 through 10,

15 Defendants.  
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Case No.: CV-12-1642-RGK-SS

Assigned to Hon. R. Gary Klausner  
Referred to Suzanne H. Segal

**JOHN DOES' REQUEST FOR  
CLARIFICATION RE: COURT'S  
ORDER TO SHOW CAUSE OF JULY  
10, 2012**

1 **REQUEST FOR CLARIFICATION**

2 Having noted the transfer of Malibu Media’s 30+ cases to the jurisdiction of this  
3 Court, and reviewed the Court’s Case Management Order issued July 10, 2012, the John  
4 Does noted above respectfully request clarification from the Court on the following:

5 First, the order to show cause in writing re: dismissal for personal jurisdiction is  
6 directed to the “parties.” Is the Court ordering the John Does to brief this issue? If so, this  
7 firm would be happy to do so, at least on behalf of the John Does that it represents.  
8 However, absent such an order, this firm was not otherwise planning to brief personal  
9 jurisdiction on behalf of its clients. Unlike similar cases in other districts involving  
10 thousands of Does from around the country, it may be that Malibu Media switched tactics  
11 and seeks in these cases to “shake down” only people who reside in California.

12 Second, although the Court’s case management orders vacates all previous orders  
13 authorizing Malibu Media to conduct early discovery, some clarification would be useful  
14 as to what this means with respect to subpoenas previously authorized and already issued  
15 and served. This firm has recently been contacted by several John Does whose subpoena  
16 return dates are in mid and late July, and would appreciate clarification as to what effect  
17 the Court’s OSC has regarding outstanding subpoenas. This is a needle Malibu Media has  
18 tried to thread before.

19 Third, would the Court be willing to entertain an *ex parte* application seeking to stay  
20 the return date of any outstanding subpoenas pending consideration of an omnibus motion  
21 going to the substantive rights of the John Does? In this regard, whenever appropriate, this  
22 firm intends to re-file such an omnibus motion that speaks to why Does 2-10 should be  
23 severed and their cases dismissed, and outstanding subpoenas quashed, and a protective  
24 order entered, in light of Malibu Media’s “abusive litigation tactics,”<sup>1</sup> among other reasons.  
25 Such an omnibus motion, now vacated, can be found at 12-cv-3614, Dkt. No. 14.

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27 <sup>1</sup> *In re: BitTorrent Adult Film Copyright Infringement Cases*, E.D.N.Y. Case No. CV-11-3995-  
28 DRH-GRB, Dkt. No. 39, 5/1/2012 (report and recommendation of Magistrate Judge Gary Brown, who was assigned all pornographic mass infringement cases in his District, including cases filed by Malibu Media).

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Respectfully submitted, July 10, 2012,

<u>/s/ Morgan E. Pietz</u>	
Morgan E. Pietz (Cal. Bar No. 260629) THE PIETZ LAW FIRM 3770 Highland Ave., Ste. 206 Manhattan Beach, CA 90266 <a href="mailto:mpietz@pietzlawfirm.com">mpietz@pietzlawfirm.com</a> Telephone: (310) 424-5557 Facsimile: (310) 546-5301	

**CERTIFICATE OF SERVICE**

I hereby certify that on July 10, 2012, the foregoing was submitted to the CM/ECF system which will send notification of such filings to the parties.

/s/ Morgan E. Pietz  
Morgan E. Pietz