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7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN 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 Number(s): 2:12-cv-1260-MCE-JFM*

Assigned to Hon. Morrison C. England
Referred to Hon. John F. Moulds

**JOHN DOES' RESPONSE TO
PLAINTIFF MALIBU MEDIA, LLC'S
NOTICE OF RELATED CASES**

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28 * Also being concurrently filed in 2:12-cv-1255-JAM-DAD and 1:12-cv-0866-AWI-MJS

1 Judge Klausner issued an order vacating all prior orders authorizing Malibu Media to
2 conduct early discovery. *Malibu Media, LLC v. John Does 1-10*, C.D. Cal. Case No. 2:12-
3 cv-1642, Dkt. No. 21; *see also* Dkt. No. 25.

4 This firm will shortly be filing a substantive motion that this Court: (1) reconsider
5 and vacate any orders authorizing Malibu Media to conduct early discovery for several
6 reasons; (2) sever all of the Does because accessing the same file days, weeks or months
7 apart does not make the Does not part of the same “transaction or occurrence” (*e.g.*, *Malibu*
8 *Media v. John Does 1-10*, C.D. Cal. Case No. 12-cv-3623-ODW-PJW, docket no. 7,
9 6/27/12, p. 5.); (3) quash all outstanding subpoenas and dismiss all Does other than Does
10 number 1; and (iv) enter an appropriate protective order.¹ Some of the Courts in this
11 District have already addressed these issues and determined that early discovery should be
12 denied other than for Doe No. 1. *See* 2:12-cv-1261-JAM-EFB, Dkt. No. 8, 7/11/12; 2:12-
13 cv-01459-GEB-CKD, Dkt. No. 5, 7/13/12; 2:12-cv-01514-LKK-EFB, Dkt. No. 5, 7/11/12.

14 The undersigned would respectfully suggest that if the Court does not vacate the
15 orders authorizing early discovery upon transfer, as the Central District did, then it would
16 be appropriate to stay all pending subpoena returns pending consideration of the kind of
17 motion described above. Malibu Media should not continue to receive subscriber
18 information from the ISPs (which Malibu Media then uses to leverage unjust settlements
19 upon threat of publicly accusing the Does of downloading pornography) during the time it
20 takes the Court to determine the propriety of the subpoenas and of mass joinder.

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22 Respectfully submitted August 2, 2012, THE PIETZ LAW FIRM

23 /s/ Morgan E. Pietz

24 Morgan E. Pietz
25 THE PIETZ LAW FIRM
26 Attorney for Putative John Doe(s)
27 Appearing on Caption

28 ¹ A similar motion has already been filed by another Doe in one of the cases pending in this
District: 12-cv-0888-AWI-DLB, Dkt. No. 10, filed 7/19/2012, set for 9/21/2012.