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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF CALIFORNIA**

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

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Plaintiff,

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v.

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JOHN DOES 1 through 59,

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Defendants.

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Case No. 1:12-cv-00888-AWI-DLB

**DECLARATION OF LEEMORE  
KUSHNER IN SUPPORT OF  
PLAINTIFF'S APPLICATION FOR  
LEAVE TO SERVE THIRD PARTY  
SUBPOENAS PRIOR TO A RULE  
26(f) CONFERENCE**

**DECLARATION OF LEEMORE KUSHNER**

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I, Leemore Kushner, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a principal in the law firm Kushner Law Group, attorneys of record for Plaintiff Malibu Media, LLC. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe that they are true. If called as a witness, I could and would competently testify to the matters stated herein. I make this declaration in support Plaintiff's Motion for Leave to Serve Third Party Subpoenas Prior to a Rule 26(f) Conference.

2. Plaintiff has only named Doe defendants in this action because the identities of the Doe defendants are unknown to Plaintiff at this time.

3. Plaintiff cannot serve the Complaint until it conducts discovery into the identities of the persons associated with the Internet Protocol ("IP") addresses in Exhibit A to the Complaint. Plaintiff also cannot conduct a Rule 26(f) conference without knowing the names and contact information of the Doe defendants.

4. Each IP address is associated with a particular individual and the discovery sought will facilitate identification of the defendants and service of process.

5. The Internet Service Providers ("ISPs") will not suffer any material prejudice by being served with Rule 45 subpoenas that require the ISPs to provide the names and contact information of some of its customers. Plaintiff's discovery is limited in terms of the type of information sought.

1 I declare under penalty of perjury under the laws of the United States of  
2 America that the foregoing is true and correct.

3 Executed May 29, 2012, at Los Angeles, California.

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6 Leemore Kushner

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