

1 Leemore Kushner (SBN 221969)
KUSHNER LAW GROUP
2 801 North Citrus Avenue
Los Angeles, California 90038
3 Telephone: (323) 515-7894
Facsimile: (323) 544-8170
4 Email: lkushner@kushnerlawgroup.com

5 Attorneys for Plaintiff Malibu Media, LLC

6

7

8

UNITED STATES DISTRICT COURT

9

SOUTHERN DISTRICT OF CALIFORNIA

10

11 Malibu Media, LLC, a California
corporation,

12

Plaintiff,

13

v.

14

15 JOHN DOE subscriber assigned IP
address 72.199.240.146,

16

Defendant.

17

18

19

20

21

22

23

24

25

26

27

28

Case No. 3:13-cv-0442-BTM-JMA

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

DECLARATION OF LEEMORE KUSHNER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. 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 named a Doe defendant in this action because the identity of the Doe defendant is unknown to Plaintiff at this time.


3. Plaintiff cannot serve the Complaint until it conducts discovery into the identity of the person(s) associated with the Internet Protocol ("IP") address 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. The 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 Provider ("ISP") will not suffer any material prejudice by being served with a Rule 45 subpoena that requires it to provide the name and contact information of its customers. Plaintiff's discovery is limited in terms of the type of information sought.

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

Executed March 18, 2013, at Los Angeles, California.



Leemore Kushner