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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

MALIBU MEDIA, LLC,

Case No.: 1:12-cv-00886-REB-MEH

Plaintiff,

v.

JEFF FANTALIS and BRUCE DUNN,

Defendants

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**DECLARATION OF JASON KOTZKER, ESQ. IN SUPPORT  
OF MOTION FOR ENTRY OF DEFAULT JUDGMENT**

I, Jason Kotzker, Esq., declare:

1. I am an attorney at law licensed to practice before the Courts of the State of Colorado and this United States District Court. I am an attorney with the law firm of KOTZKER LAW GROUP, attorneys for Plaintiff. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

2. On April 4<sup>th</sup>, 2012, Plaintiff filed the Complaint in this action. [ECF No. 1].

3. Pursuant to the issuance of third-party subpoenas in a previous case entitled Malibu Media, LLC v. John Does 1-30, 1:12-cv-00402-WYD, (D.Colo) each Defendant was known to Plaintiff only by the Internet Protocol ("IP") address assigned to that Defendant by his or her Internet Service Provider on the date and at the time at which the infringing activity of each Defendant was observed each Defendant was known to Plaintiff only by the Internet Protocol ("IP") address assigned to that Defendant by his or her Internet Service Provider on the date and at the time at which

the infringing activity of each Defendant was observed. Doe Defendant with IP address 184.99.247.212 on January 18, 2012 at 3:21:18 a.m. (UTC) was identified by the ISP, Quest Communications, as Bruce Dunn. It is my understanding that Quest Communications sends written notice to all of its subscribers who are subject to subpoenas before it divulges any subscriber information, whether required to do so by court order or not.

Defendant's Internet Service Provider ("ISP") disclosed Defendant's true identity to Plaintiff.

4. On May 4, 2012, Defendant, Bruce Dunn ("Defendant") was served with Summons and Complaint.

5. Defendant has failed to appear, plead or otherwise defend in this action.

6. On June 1, 2012, Plaintiff filed a Motion for Entry of Clerk's Default as to Defendant, Bruce Dunn pursuant Fed.R.Civ.P. 55(a).

7. On June 14<sup>th</sup>, 2012, the Clerk of this Court entered the default of Defendant. [ECF No. 24].

8. I have caused a search of public records to be conducted regarding Defendant, Dunn and have determined, to the best of my ability, that Defendant Dunn is not an infant or incompetent person and that Defendant Dunn is not in military services such that the Soldiers' and Sailors' Civil Relief Act of 1940 does not apply.

9. Plaintiff has incurred costs in this case in the amount of \$189.26, which includes a statutory filing fee of \$350.00, prorated by the 3 Defendants in this case equals \$116.66 and costs of service of \$72.60.

10. Plaintiff has incurred in attorneys' fees in this case in the amount of \$550.00.

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

Executed on July 17<sup>th</sup>, 2012, at Highlands Ranch, Colorado.

/s/ 7A  \_\_\_\_\_