

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MALIBU MEDIA, LLC,)
)
 Plaintiff,) Civil Case No. 1:12-cv-01382-EGS-JMF
)
 v.)
)
 JOHN DOES 1-5,)
)
 Defendants.)
 _____)

PLAINTIFF’S RESPONSE TO MOTION FOR A STIPULATED PROTECTIVE ORDER

Plaintiff, almost universally, does not object to a defendant’s request for a protective order in its cases. Likewise, here, Plaintiff did not oppose the requested relief. Plaintiff, does, however, take great offense to Defendant’s unprofessional attempts to discredit Plaintiff in a *stipulated* motion. Clearly, as Plaintiff generally always allows defendants to proceed anonymously, it has no desire to engage in any improper settlements. Mr. Pietz’s unquestionably distorted and offensive motion is meant to discredit Plaintiff with this Court.

Further, while Plaintiff does not object, a protective order may not be warranted under law. Indeed, your Honor has extensively addressed the issue in prior cases. “Individuals who subscribe to the internet through ISPs simply have no expectation of privacy in their subscriber information.” Hard Drive Productions, Inc. v. Does 1-1,495, CIV.A. 11-1741 JDB, 2012 WL 4381151 (D.D.C. 2012). Defendant states that risks of being offered a settlement justify a protective order. However, in this case your Honor has not permitted settlements, so Defendant faces no risk at all. And, Defendant is represented by counsel, and therefore is not at any risk of being offered a settlement. Because of the procedural protections applied to this case, a protective order may be particularly unnecessary.

For these reasons, Plaintiff leaves the determination of a protective order to the sound discretion of the Court.

Dated: December 26, 2012

Respectfully Submitted,

By: /s/ Jon A. Hoppe
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CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Jon A. Hoppe
Jon A. Hoppe