

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>1:12-cv-06672</u>
)	
v.)	
)	
JOHN DOES 1-17,)	
)	
Defendants.)	
)	
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INITIAL STATUS REPORT

Plaintiff, Malibu Media, LLC (“Plaintiff”), hereby reports to the Court the status of the above captioned case:

1. The attorneys of record for each party including the attorney(s) expected to try the case: Malibu Media, LLC is represented by Paul Nicoletti of Nicoletti & Associates, 36880 Woodward Avenue, Suite 100, Bloomfield Hills, MI 48304, Tel. (248) 203-7800, and Mary Schulz of Schulz Law, P.C., 1144 E. State Street, Suite A260, Geneva, IL 30134, Tel. (224) 535-9510.

2. The Basis for Federal Jurisdiction: Action brought 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (patents, copyrights, trademarks and unfair competition).

3. The Nature of The Claims Asserted in the Complaint: On August 20, 2012, Plaintiff filed its Complaint to permanently enjoin Defendants from directly and contributorily infringing on Plaintiff’s copyrighted works and for damages pursuant to 17 U.S.C. § 504-(a) and (c).

4. The Name of Any Party Not Yet Served and the Circumstances Regarding Non-Service: None of the Defendants in this matter have been served because Plaintiff has yet to learn the true identities for all the Defendants.

5. The Principal Legal Issues:

- a) Whether Defendants' willfully infringed on Plaintiff's copyrighted work pursuant to 17 U.S.C. § 101; and
- b) Whether the Defendants are contributorily liable for each infringement.

6. The Principal Factual Issues: Whether Defendants used BitTorrent to download and distribute Plaintiff's work.

7. Whether a Jury Trial is Expected by Either Party: Plaintiff has requested a jury trial in its Complaint.

8. Description Anticipated Discovery: The parties will comply with F. R. Civ. P. 26(a) and exchange all required information. At this time, it is contemplated that there are a number of witnesses that have relevant information relating to Plaintiff's claims and to Defendants' defenses that will be deposed.

9. The Earliest Date the Parties Will Be Ready for Trial and The Length Of The Trial: Plaintiff anticipates that it will take ten (10) to twelve (12) months before they can be ready for trial, and expects trial to last from five (5) to seven (7) days.

10. Whether the Parties Unanimously Consent to Proceed Before the Magistrate Judge: Plaintiff consents to proceed before a Magistrate Judge on all dispositive matters.

11. The Status of Any Settlement Discussions and Whether the Parties Request a Settlement Conference: Plaintiff has reached a confidential settlement agreement with two of the Defendants. Other Doe Defendants have discussed settlement with Plaintiff but the parties have

been unable to reach an amicable resolution. Plaintiff anticipates that a trial against some of the Doe Defendants may be necessary.

Dated: November 7, 2012

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

By: /s/ Paul J. Nicoletti
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CERTIFICATE OF SERVICE

I hereby certify that on November 7, 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/ Paul J. Nicoletti