

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>1:12-cv-00263-PPS-RBC</u>
)	
v.)	
)	
JOHN DOES 1-14,)	
)	
Defendants.)	
_____)	

**PLAINTIFF’S RESPONSE TO THE
COURT’S ORDER TO SHOW CAUSE [DKT. 65]**

Plaintiff respectfully submits the following response to the Court’s February 4, 2013 Order to show cause. On February 1st, 2013, the undersigned accidentally ECF filed the return of summons for the John Doe defendants without filing their names under seal. This was a very unfortunate accident. Undersigned is deeply sorry for this mistake and apologizes to both the Court and the Defendants.

Undersigned never had any intention to violate the Court’s order or unnecessarily embarrass the Defendants. The mistake was due to an error with the firm’s internal files, which accidentally did not include notation that a protective order had been issued in this case. Because of this, my staff failed to notice that a protective order was issued and filed the summons in haste. Since the issuance of this show cause, my staff has been performing an audit of every file to ensure all protective orders are noted. We are now implementing a procedure to attach to the cover of every file a page showing whether a protective order has been entered and the exact details and requirements of the protective order. An example of this page is attached as Exhibit

A. The intention of this procedure is to ensure that every staff member first views the requirements issued by the Court before even moving forward into the file.

Undersigned has a long history in the past of complying with court orders such as the one before this Court. Indeed, in the Southern District of Indiana undersigned has had to file numerous documents under seal or *ex parte* and always followed procedure. Undersigned has immense respect for this Court and the federal judicial system and never intended for this violation to occur. Undersigned seriously regrets the mistake that was made and again, apologizes to the Court and the Defendants for this error.

Dated: February 15, 2013

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2013, 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