

EXHIBIT 1

UNITED STATES DISTRICT COURT  
FOR THE  
SOUTHERN DISTRICT OF INDIANA

MALIBU MEDIA, LLC,	)	
Plaintiff,	)	
	)	
Vs.	)	Civil Action No: 1:12-cv-00845-TWP-MJD
	)	
ANDREW LEIGHTNER, KEVIN DEMPSEY,	)	
KENNETH REESE, CARL RUDY, LUCAS	)	
SHULTZ, LUCIAN SAVULESCU, DAN	)	
COROIAN, JIM GENDRON, JEREMY	)	
COTTON, NEVILLE FERNANDES, DANIEL	)	
PITTMAN, JAY GARRETT, JERRY RICHEY	)	
CONNIE FELONGCO, TERESA	)	
STEPHENSON, KIRAN POULSEN, CHRIS	)	
MINOR, SIWEI LI, DERICK BROOKS,	)	
CLARISSA HENDERSHOT and JOHN DOES	)	
14, 16, 17, 20, 23, 24 and 29.	)	
Defendants	)	

**AFFIDAVIT OF CARL RUDY**

Comes now Carl Rudy, after being first duly sworn upon his oath, deposes and says:

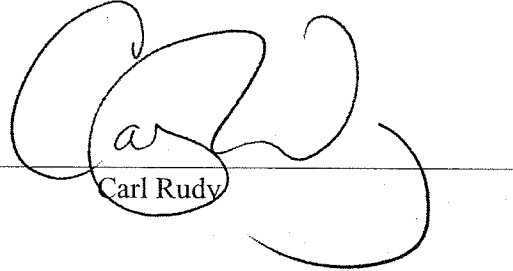
1. I am an adult, over the age of 18 years and have personal knowledge of the matters stated herein.
2. I am a named defendant in this action.
3. I reside at 4307 S. Poplar Street, Marion, Grant County, Indiana and have resided at such address for five and one half years.
4. I have reviewed the Amended Complaint filed against me in this matter by Malibu Media, LLC and none of the events giving rise to the claims alleged in the Amended Complaint have been committed by me or occurred in this Court's jurisdiction.
5. I did not act in concert through a swarm or any other action with any other named Defendant in this matter to download the movie alleged by Plaintiff in Plaintiff's Amended Complaint.

6. I have never used bit torrent protocol to download any of Plaintiff's copyrighted material, nor am I aware of any other person downloading Plaintiff's copyrighted material using my alleged IP address.

Further affiant saith not.

I AFFIRM UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date: 12/7/12



Carl Rudy

CERTIFICATE OF SERVICE

I hereby certify that on this 10<sup>th</sup> day of December, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to Paul J. Nicoletti, Arend J. Abel, David Scott Klinestiver, Lynn A. Toops, Matthew Thomas Lees, Paul B. Overhauser, Richard E. Shevitz, and William Edwin Wendling, Jr.

I hereby certify that I served a copy of the foregoing document by ordinary U. S. Mail, postage paid, this 10<sup>th</sup> day of December, 2012, upon the following:

Derick Brooks  
529 South 9<sup>th</sup> Street  
Lafayette, IN 47901

Jay Garrett  
708 Prospect Street  
Crawfordsville, IN 47933

/s/ Kyle C. Persinger  
Kyle C. Persinger

SPITZER HERRIMAN STEPHENSON  
HOLDEREAD MUSSER & CONNER, LLP  
122 East Fourth Street  
P.O. Box 927  
Marion, Indiana 46952  
Telephone: (765) 664-7307  
Facsimile: (765) 662-0574