

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Case No. <u>2:12-cv-12586-PJD-MJH</u>
	)	
v.	)	
	)	
JOHN DOES 1-13,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF FILING SUPPLEMENTAL AUTHORITY**

PLEASE TAKE NOTICE, Plaintiff is attaching hereto a copy of the Memorandum Re: Motions to Dismiss entered in *Malibu Media, LLC v. John Does 1, 6, 13, 14, and 16*, 2:12-cv-02078-MMB (E.D. PA., Jan. 3, 2013), in which the Honorable Michael M. Baylson denied all pending Motions to Dismiss. In this case, the exact same issues were raised by defendants as in the pending Motion to Dismiss before this Court. Judge Baylson held that Malibu Media has standing and is the proper owner of the copyrights in the suit. Specifically, Judge Baylson stated:

The Court concludes Plaintiff has the requisite standing to bring the claims in the Amended Complaints. Even if Defendants themselves had standing to contest the validity of the Assignment – which it appears they do not, given the lack of disagreement regarding the Assignment among the original parties – the background context of Malibu’s formation, the Affidavit of Colette Field, the text of the Written Assignment from September 13, 2013, and the text of the Clarification Agreement from December 5, 2012, all demonstrate that Brigham Field intended to transfer and did transfer complete and exclusive rights in his copyrighted works to Malibu when the company was formed on February 8, 2011. Malibu was the “exclusive” owner of the Brigham Field copyrights as of that time, and it has standing to sue for infringement of those works presently.

*Id.* at \*16.

Dated: January 3, 2013

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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**CERTIFICATE OF COMPLIANCE**

Pursuant to MI R USDCTED LR 5.1(a) I hereby certify that the PLAINTIFF'S NOTICE OF FILING SUPPLEMENTAL AUTHORITY has been prepared using one of the font and point selections approved by the Court in MI R USDCTED LR 5.1(a)(3). This document was prepared using Times New Roman (12 pt.).

This 3<sup>rd</sup> day of January, 2013

By: /s/ Paul J. Nicoletti  
Paul J. Nicoletti

**CERTIFICATE OF SERVICE**

I hereby certify that on January 3, 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  
Paul J. Nicoletti