

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Case No. <u>2:12-cv-13312-DPH-MJH</u>
)	
v.)	
)	
JOHN DOES 1-30,)	
)	
Defendants.)	
_____)	

PLAINTIFF’S MOTION TO COMPEL HATTEM A. BEYDOUN TO IDENTIFY HIS CLIENT OR, IN THE ALTERNATIVE, MOTION TO STRIKE PLEADINGS FILED ON BEHALF OF NON-PARTY JOHN DOE “X”

Malibu Media, LLC, (“Malibu Media”), by its undersigned attorney, moves for the entry of an order, pursuant to Fed. R. Civ. P. 24 and Fed. R. Civ. P. 12(f), requiring Hattem A. Beydoun, (“Beydoun”) to identify his client John Doe “X”, or in the alternative to strike the filings on behalf of John Doe “X” [CM/ECF No. 8, 9 and 10], and states:

1. Malibu Media filed its complaint on July 26, 2012 against unknown defendants, John Does 1-30.
2. On November 29, 2012 Beydoun filed a Notice of Appearance on behalf of John Doe “X” for “purposes of moving to quash the October 29, 2012 Charter Communications, Inc. Subpoena” [CM/ECF No. 8].
3. There is no defendant John Doe “X” in this case.
4. Beydoun has not filed a motion to intervene pursuant to Fed. R. Civ. P. 24 nor identified which John Doe is John Doe “X”.
5. Beydoun has filed an additional motion to quash on behalf of John Doe 10, an actual party to this case.

6. Beydoun has not articulated to this Court why he has chosen to identify one client that he represents and not another.

7. Malibu Media requested that Beydoun identify his client John Doe "X" by Doe number and Beydoun has not responded.

8. Malibu Media does not object to any defendant being granted anonymity, against the world, but the law requires that Beydoun disclose which of the John Doe defendants he represents. See Malibu Media v. John Does 1-28, at *22 citing Sunlust Pictures, LLC v. Does 1-75, 2012 WL 3717768 (N.D. Ill. 2012).

WHEREFORE, Malibu Media, LLC moves for the entry of an order compelling Hattem Beydoun to disclose the party for whom he has filed an appearance, or in the alternative, for an order striking the motions filed on behalf of John Doe "X" [CM/ECF No. 8, 9 and 10], and for such further and additional relief as this Court deems right and just.

Dated: December 14, 2012

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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

Pursuant to MI R USDCTED LR 5.1(a) I hereby certify that the PLAINTIFF'S MOTION TO COMPEL 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.).

Dated: December 14, 2012

By: /s/ Paul J. Nicoletti

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 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