

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT MICHIGAN**

| | | |
|---|---|-----------------------------|
| MALIBU MEDIA, LLC, |) | |
| |) | |
| Plaintiff, |) | Civil Action Case No. _____ |
| |) | |
| v. |) | |
| |) | |
| JOHN DOE subscriber assigned IP address |) | |
| 24.11.144.187, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

**MOTION FOR LEAVE TO SERVE A THIRD PARTY
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Memorandum of Law in support of this motion; and (2) Declaration of Tobias Fieser in support of this motion, Malibu Media, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Dated: February ____, 2013

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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