

Patrick J. Cerillo, Esq.
Patrick J. Cerillo, LLC
4 Walter Foran Blvd., Suite 402
Flemington, NJ 08822
T: (908) 284-0997
F: (908) 284-0915
pjcerillolaw@comcast.net
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOES 1-11,

Defendants.

Civil Case No. 2:12-cv-07726-KM-MAH

**PLAINTIFF’S MOTION TO STRIKE DEFENDANT, ANWAR
SHIHADDEH’S ANSWER [CM/ECF 13]**

Plaintiff, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 7(b) and 12(f) hereby moves for the entry of an order striking Defendant Anwar Shihadeh’s (“Defendant”), Answer [CM/ECF 13] and states:

1. Plaintiff’s Complaint was filed on December 19, 2012 alleging counts for direct and contributory copyright infringement.

2. On January 22, 2013 this Court granted Plaintiff's motion for expedited discovery to subpoena the Defendant's ISP in order to obtain his personally identifying information.

3. In accordance with this Court's Order, Plaintiff subpoenaed Comcast Cable. On February 8, 2013 Plaintiff received the subpoena response from Comcast, Defendant's ISP, disclosing his identifying information.

4. On March 21, 2013 Defendant filed his Answer.

5. Defendant's Answer is procedurally improper because he has not been served with either a summons or a complaint and his Answer is therefore premature.

6. Federal Rule of Civil Procedure 12(a)(1)(A)(i) provides that "a defendant must serve an answer within 20 days *after* being served with the summons and complaint." (Emphasis added).

7. This Court has emphasized the importance of Plaintiff relying on more than "a subscriber's association with an IP address" before amending the Complaint to name a Defendant personally. Accordingly, Plaintiff has not yet named Defendant nor requested a summons from the Clerk.

8. Further, to the extent that Defendant desires to have his Answer construed as a motion to quash, such action is moot because Defendant's ISP has

already complied with the subpoena and Defendant has provided his name and address on his filings.

9. For the foregoing reasons, Defendant's Answer should be stricken as premature and procedurally improper.

WHEREFORE, Plaintiff Malibu Media, LLC moves for the entry of an order striking Defendant's Answer and for such further and additional relief as this Court deems just and proper.

Dated: April 11, 2013

Respectfully submitted,
By: /s/ Patrick J. Cerillo
Patrick J. Cerillo, Esq.
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4 Walter Foran Blvd., Suite 402
Flemington, NJ 08822
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F: (908) 284-0915
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 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/ Patrick J. Cerillo