

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA**

PATRICK COLLINS, INC.,	)	
	)	
Plaintiff,	)	Civil Case No. <u>1:12-cv-00844-TWP-MJD</u>
	)	
v.	)	
	)	
JOHN DOES 1-13,	)	
	)	
Defendants.	)	
	)	

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**MOTION TO RECONSIDER AND AMEND THIS COURT’S ORDER  
DATED SEPTEMBER 19, 2012**

Plaintiff, Malibu Media, LLC, (“Plaintiff”) moves for an entry of an order amending the Court’s Order dated September 19, 2012 to the extent it requests Plaintiff file under seal the names and subpoena responses of Doe Defendants with whom Plaintiff has reached settlements agreements and states:

1. Plaintiff will immediately comply with the Court’s order and submit the subpoenas, subpoena responses, and communications under seal with the Court.
2. Plaintiff, however, has reached two settlement agreements with Doe Defendants whose names and information are included in the subpoena responses.
3. Plaintiff’s settlement agreements state: “[I]n the event of any legal action or proceeding or asserted requirement under applicable law or government regulations requesting or demanding disclosure of this Agreement or the terms hereof, the recipient shall forthwith notify the other party in writing of such request so that the other party may seek an appropriate protective order or take other protective measures.”
4. Plaintiff seeks to comply with the Court order but does not want to breach its settlement agreements with parties whose name and identifying information have been released in this case.

5. The Court's Order also states:

Plaintiff, its counsel, and any other person or entity acting for or on their behalf shall hereafter refrain from any communication with any of the putative Defendants without express leave of the Court. The sole exception to this prohibition is that counsel for Plaintiff may arrange to effect service of a Summons and the Complaint upon a putative Defendant once the Complaint has been amended to name such putative Defendant, and following service upon a Defendant may properly serve any other papers filed with the Court upon that Defendant.

6. Plaintiff understands the Court Order to mean that it may not communicate with any of the parties in the settlements agreements whose names and identifying information have been released by the ISPs.

7. Therefore, Plaintiff cannot contact any of the parties it has reached settlement agreements with to give notice of this Court's order and a reasonable time to object.

8. Plaintiff respectfully requests the Court reconsider its order so that Plaintiff may not breach its settlement agreements.

WHEREFORE, Plaintiff moves this Court to reconsider its Order and allow additional time for Plaintiff to file the subpoena responses for the John Doe Defendants that have settled their claims and that the Court allow Plaintiff to contact these parties in order to notify them of this Order and allow for them a reasonable time to object to their information being filed with this Court.

Dated September 21, 2012

Respectfully submitted,  
NICOLETTI & ASSOCIATES, PLLC

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*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21<sup>st</sup> day of September, 2012, a true and correct copy of the foregoing was filed with the Clerk of the Court using the CM/ECF and on all of those parties receiving electronic notification via the Court's CM/ECF electronic filing.

By:     /s/ Paul J. Nicoletti      
Paul J. Nicoletti, Esq. (P44419)