

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA, SAN DIEGO DIVISION

LIBERTY MEDIA HOLDINGS, LLC
A California Corporation

Plaintiff,

vs.

SWARM OF NOVEMBER 16, 2010, SHARING
HASH FILE
A3E6F65F2E3D672400A5908F64ED55B66A088
0B8; AND DOES 1 through 95,

Defendants

) Case No. 11-CV-619-BTM-MDD

) **OFFER OF JUDGMENT PURSUANT TO**
) **FEDERAL RULE OF CIVIL PROCEDURE 68**

WHEREAS, defendant Doe 4 acknowledges that a failure to secure a wireless internet router by password protection may invite infringing uses of copyrighted materials accessible to individuals through such a router; and

WHEREAS, defendant Doe 4 wishes to avoid the expense and uncertainty of continued litigation; and

WHEREAS, defendant Doe 4 has had the opportunity to consult with his undersigned attorney and understands the legal effect of this offer;

NOW, THEREFORE, Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant Doe 4, by his undersigned attorney, hereby makes an offer of judgment in the above-captioned action as follows:

1. With respect to Count 1, Direct Copyright Infringement, judgment shall be entered in favor of Plaintiff and against Doe 4 in the amount of \$200, as defendant takes the position that if he committed any infringement at all, it is as an innocent infringer.

2. With respect to Count 2, Contributory Copyright Infringement, judgment shall be entered in favor of Plaintiff and against Doe 4 in the amount of \$200, as defendant takes the position that if he committed any infringement at all, it is as an innocent infringer.

3. With respect to Count 3, Civil Conspiracy, judgment shall be entered in favor of Plaintiff and against Doe 4 in the amount of \$1, as Defendant takes the position that he has not conspired with any other parties in any manner, but the \$1 offered is to buy his peace.

4. With respect to Count 4, Negligence, judgment shall be entered in favor of Plaintiff and against Doe 4 in the amount of \$10,000.

5. Accordingly, the entire judgment that shall be entered against Doe 4 shall be \$10,401.00 inclusive of costs and attorneys' fees.


6. With respect to Count 4, Negligence, Defendant shall secure his internet router and to deny use of his internet connection to anyone who would engage in infringing conduct; and

7. This offer of judgment is made exclusively for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure, and is not to be construed as an admission that Doe 4 is liable in this action or that Plaintiff has suffered any injury.

8. Pursuant to Rule 68 of the Federal Rules of Civil Procedure, this offer may be accepted by written notice served on or before July 27, 2011, after which this offer shall be deemed rejected.

Dated: Windermere, Florida
July 20, 2011

ISAAC J. LIDKSY



5910 Caymus Loop
Windermere, FL 34786
Tel: (917) 385-1402

Attorney for Defendant Doe 4

Certificate of Service

I hereby certify that the foregoing document was served upon counsel for the Plaintiff, Marc J. Randazza, by transmitting the document via e-mail to mjr@randazza.com. Mr. Randazza confirmed that he waived the right to receive this document in hard copy.

Dated: July 20, 2011

/s/ Isaac J. Lidsky _____

Isaac J. Lidsky
5910 Caymus Loop
Windermere, FL 34786
Tel: (917) 385-1402

Attorney for Defendant Doe 4