

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

| | | |
|--------------------|---|------------------------|
| PURZEL VIDEO GmbH |) | |
| |) | |
| <i>Plaintiff,</i> |) | |
| |) | |
| v. |) | Case No. 1:13-cv-02501 |
| |) | |
| DOES 1-84, |) | JURY TRIAL DEMANDED |
| |) | |
| <i>Defendants.</i> |) | |
| _____ |) | |

**PLAINTIFF’S NOTICE OF DISMISSAL OF
DOE NUMBERS 34 AND 48**

Plaintiff hereby files this Notice of Dismissal of Doe Numbers 34 and 48. Plaintiff moves to dismiss Doe Defendants 34 and 48 after discovering that they were inadvertently included in this action. Plaintiff reiterates that, as set forth in its Complaint, this action is intended to enforce Plaintiff’s rights against Doe Defendants residing in the Northern District of Illinois who have infringed upon Plaintiffs copyright in January 2013 and who participated in a single swarm sharing hash file, 840DCF35EA1B0EA81724D0385604461FDF532606. Compliant, Docket No. 1 at ¶¶ 4, 7, 12, 17 and 55; and Decl. of Matthias Padewet at ¶ 20. Doe Defendants 34 and 48 utilized a different hash file, 182CE7608C4ABA2DB1932CA1F9C00154CFCDCE8D, to infringe the same Motion Picture as all other Defendants in this action. *See* Complaint Docket No. 1, Ex. A. Thus, their inclusion is contrary to Plaintiff’s pleadings and was clearly inadvertent. *See, e.g.*, Complaint at ¶¶ 12 and 15; and Decl. of Matthias Padewet at ¶¶ 6, 20, 23, and 27. Plaintiff has notified Doe Defendant 34 and 48’s ISP, AT&T, not to proceed with producing identifying information pursuant to the Court’s April 24, 2013 Order.

This Notice of Dismissal is specific to the Doe Defendants identified herein and does not apply to any Defendants other than the Defendants listed herein. The Does have filed neither an answer to the complaint nor a motion for summary judgment with respect to the same. Dismissal under Rule 41(A)(1)(a)(i) of the Federal Rules of Civil Procedure is therefore appropriate. After this dismissal 82 John Does will remain in this action.

The following Doe Defendants are dismissed **with prejudice**:

| Doe Number | IP Address | ISP Legal Name |
|-------------------|------------------------|-------------------------|
| 34 | 108.217.157.147 | AT&T U-verse |
| 48 | 108.197.0.241 | AT&T U-verse |

Dated: May 24, 2013

Respectfully submitted,

By: /s/ Paul A. Lesko
Paul A. Lesko – IL Bar No. 6288806
SIMMONS BROWDER GIANARIS
ANGELIDES & BARNERD LLC
One Court Street
Alton, IL 62002
Ph: 618.259.2222
Fax: 618.259.2251
Email: plesko@simmonsfirm.com

Patrick J. Keating
230 W. Monroe Street
Suite 2221
Chicago, IL 60606
(312) 759-7518
Fax: (312) 759-7516
Email: pjkeating@keatinglawgroup.com

Attorneys for Purzel Video GmbH

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2013, I electronically filed the foregoing document via the Court's ECF, electronic email system, upon all of record.

/s/ Paul A. Lesko

Attorney for Plaintiff
Purzel Video GmbH, Inc.