

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are *not* confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	12-56667
District Court/Agency Case Number(s):	2:12-cv-05720 PSG-RZ
District Court/Agency Location:	Central District of California
Case Name:	AF Holdings LLC v. John Doe
If District Court, docket entry number(s) of order(s) appealed from:	Document 9
Name of party/parties submitting this form:	AF Holdings LLC

Please briefly describe the dispute that gave rise to this lawsuit.

Plaintiff's agents observed Defendant's computer Internet Protocol ("IP") address uploading and downloading Plaintiff's copyrighted film, and brought the underlying suit on that basis.

Briefly describe the result below and the main issues on appeal.

After Plaintiff filed its Ex Parte Application for Expedited Discovery seeking the information of the subscriber affiliated with the IP address used by Defendant to infringe upon its copyrighted works, the Court, sua sponte, raised the issue of personal jurisdiction in its Order to Show Cause. After a response, the Court found that "Plaintiff has not established that this case should not be dismissed for lack of personal jurisdiction over Defendant John Doe." (ECF No. 9). The Court felt that Plaintiff's use of geolocation putting him in California was inadequate.

Describe any proceedings remaining below or any related proceedings in other tribunals.

There are none. At the end of its order, the Court dismissed the case with prejudice.

Provide any other thoughts you would like to bring to the attention of the mediator.

There was no basis for the Court's dismissal. Despite Plaintiff's response that it had done everything it could have done up to that point to locate defendant, and that looking at such was outside of the Court's role, the court still dismissed the case for no basis. Plaintiff believes that the Court's personal distaste for its lawsuit overshadowed the law.

Also, mediation here is inappropriate because there is no Defendant in this case. There is nothing to mediate.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

(see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.