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5 Attorney for Putative John Doe in 2:12-cv-08333-ODW-JC

6 **UNITED STATES DISTRICT COURT**  
7 **CENTRAL DISTRICT OF CALIFORNIA**

8  
9 **INGENUITY 13, LLC, a Limited Liability**  
10 **Company Organized Under the Laws of the**  
**Federation of Saint Kitts and Nevis,**

11 **Plaintiff,**

12 **v.**

13 **JOHN DOE,**

14 **Defendant.**

Case Number(s): 2:12-cv-08333-ODW-JC

Disqualification Motion Referred to:  
Judge Michael W. Fitzgerald

Case Assigned to: Judge Otis D Wright, II  
Discovery Referred to: Magistrate Judge  
Jacqueline Chooljian

15 **PUTATIVE JOHN DOE’S REQUEST**  
16 **FOR LEAVE TO FILE AN**  
17 **OPPOSITION TO PLAINTIFF’S**  
18 **MOTION FOR DISQUALIFICATION**  
19 **OF HONORABLE JUDGE OTIS D.**  
20 **WRIGHT, II**

**REQUEST FOR LEAVE**

**TO THE HONORABLE COURT, ALL PARTIES, AND THEIR COUNSEL**

**PLEASE TAKE NOTICE** that the Putative John Doe in 2:12-cv-08333-ODW-JC, by and through counsel, hereby requests leave to file an opposition to Plaintiff’s Motion for Disqualification of Honorable Judge Otis D. Wright, II (ECF No. 35) (the “Disqualification Motion”).

This request is occasioned because it is not clear whether the Disqualification Motion is being made on an *ex parte* basis or not—it does not comply with any of the required *ex parte* procedures mandated by Local Rule. However, there is also no hearing date noticed, from which an opposition deadline can be calendared. Plaintiff’s counsel has not responded to a query on this issue, but the Clerk of Court did confirm today that no hearing date is currently set.

Accordingly, the putative John Doe defendant in this case requests leave of Court to file an opposition to the Disqualification Motion by Monday January 14, 2013, or some other date certain set by Judge Fitzgerald.

In addition to the instant action, undersigned counsel was involved in the Malibu Media cases referenced in the Disqualification Motion, and is prepared to contradict a number of arguments and factual misrepresentations made by the plaintiff here in the Disqualification Motion. However, some time to marshal the appropriate evidence would be very much appreciated, in view of several other major obligations pending for undersigned counsel through the end of next week.

Respectfully submitted,

DATED: January 3, 2013

THE PIETZ LAW FIRM

/s/ Morgan E. Pietz

Morgan E. Pietz

THE PIETZ LAW FIRM

Attorney for Putative John Doe(s)

Appearing on Caption