

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

INGENUITY 13 LLC,

Plaintiff,

and

PRENDA LAW, INC.,

Movant – Appellant,

v.

JOHN DOE,

Defendant - Appellee.

9th Circuit Docket No. 13-55881

[Related Circuit Docket No. 13-56028]

Los Angeles No. 2:12-cv-0888-ODW-JC
Central District of California

EMERGENCY MOTION UNDER CIRCUIT RULE 27-3

**DISTRICT COURT’S SUPPLEMENTAL ORDER RE: APPELLANT
PRENDA LAW, INC.S MOTION FOR ORDER VACATING OR
MODIFYING THE DISTRICT COURT’S AMENDED ORDER DENYING
IN PART AND GRANTING IN PART RESPONDENT PAUL DUFFY’S
MOTION FOR APPROVAL OF BOND (DKT. NO. 170); STAYING
ENFORCEMENT OF AMENDED ORDER; AND/OR CONSOLIDATING
THE APPEAL OF THE AMENDED ORDER (DKT. NO. 177) WITH THE
ORIGINAL APPEAL OF THE MAY 6, 2013, SANCTIONS ORDER**

CIRCUIT RULE 27-3 CERTIFICATE

I. CONTACT INFORMATION FOR ATTORNEYS OF THE PARTIES

The telephone numbers, e-mail addresses, and office addresses of the attorneys for the parties are set forth as follows:

*Attorneys for Putative John Doe
Appellant/Defendant*

Morgan Pietz
The Pietz Law Firm
3770 Highland Ave., Suite 206
Manhattan Beach, CA 90266
mpietz@pietzlawfirm.com
Tel: 310.424.5557

Nicholas Ranallo
371 Dogwood Way
Boulder Creek, CA 95006
nick@ranallolawoffice.com
Tel: 831.703.4011

PRO SE PARTIES

Paul Duffy
2 N. La Salle St., 13th Floor
Chicago IL 60602
Paulduffy2005@gmail.com
Tel: (312) 952-6136
Fax: (312) 952-6136
pduffy@pduffygroup.com
paduffy@wefightpiracy.com

Paul Hansmeier
Alpha Law Firm, LLC
900 IDS Center
80 South 8th Street
Minneapolis, MN 55402
prhansmeier@thefirm.mn
Tel: (612) 234-5744
Fax: (612) 234-5744
prhansmeier@thefirm.mn

Brett Langdon Gibbs
38 Miller Ave., #263
Mill Valley, CA 94941
Tel: (415) 381-3104
Brett.gibbs@gmail.com

John Steele
1111 Lincoln Rd., Suite 400
Miami Beach, FL 33139
Tel: (708) 689-8131
Fax: None
Email: johnlsteel@gmail.com

PRO SE PARTIES (cont.)

Ingenuity 13, LLC
2100 M Street Northwest
Suite 170-417
Washington, DC 20037
Tel: (888) 588-9473
Fax: (888) 964-9473
admin@livewireholdings.com

AF Holdings, LLC
Springates East
Government Road
Charlestown, Nevis
Tel: (888) 588-9473
Fax: (888) 964-9473
admin@livewireholdings.com

NOTICE OF SUPPLEMENTAL ORDER OF DISTRICT COURT

Appellant and Movant Prenda Law, Inc. (“Prenda Law”) hereby serves notice to the Appellate Court and all parties and their counsel of record with an interest in the instant appeal that the District Court in the above-captioned matter issued on June 17, 2013, at or around 3:43 p.m., a supplemental order pertaining to, *inter alia*, Prenda Law’s Emergency Motion for an order vacating or modifying the District Court’s amended order of June 11, 2013 (District Court Dkt. No. 177), regarding the imposition of a second appellate bond and other conditions to be met for the bonds’ approval. The District Court, through the attached order, has amended some of its earlier conditions imposed on the appellate bonds to be posted by Prenda Law and its co-appellants; nonetheless, the requirements of a second bond and the imposition of other conditions upon which Prenda Law has filed a Notice of Appeal and its Emergency Motion remain.

Respectfully submitted this 17th day of June, 2013.

Klinedinst PC

DATED: June 17, 2013

By: /s/ Heather L. Rosing
Heather L. Rosing
David M. Majchrzak
Philip W. Vineyard
Attorneys Specially Appearing for
PRENDA LAW, INC.

ATTACHMENT

**USDC ORDER RE SUPERSEDEAS-BOND REQUIREMENT
AND MAY 21,2013 SANCTIONS ORDER [178], [180], [181]**

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

INGENUITY 13 LLC,
Plaintiff,
v.
JOHN DOE,
Defendant.

Case Nos. 2:12-cv-8333-ODW(JCx)
**ORDER RE SUPERSEDEAS-BOND
REQUIREMENT AND MAY 21, 2013
SANCTIONS ORDER [178], [180],
[181]**

The Court issues this order to resolve several pending issues and requests. These include the following:

- Stipulation Between Movant Brett L. Gibbs and Attorney Morgan E. Pietz (ECF No. 178);
- Paul Hansmeier’s Emergency Motion for Clarification and Reconsideration of the Court’s June 6 Order, or in the Alternative, for an Order Staying Imposition of the June 6 Order Pending Appeal (ECF No. 180);
- Prenda Law’s Notice of Appeal and Emergency Motion to the Ninth Circuit Court of Appeal Re: the District Court’s Amended Order Denying in Part and Conditionally Granting in Part Respondent Paul Duffy’s Motion for Approval of Bond and Order Staying Enforcement of May 6 and May 21 Orders Imposing Sanctions and Penalties (ECF No. 181).

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1 On June 11, 2013, the Court issued its Amended Order concerning the
2 supersedeas-bond requirement. (ECF No. 177.) The order imposed additional
3 conditions, including terms upon which the bond may be executed and an additional
4 bond in the amount of \$135,933.66. The order allowed the Prenda parties seven days
5 to acknowledge these conditions and fourteen days to post the additional bond.¹ Upon
6 reconsideration, the Court hereby extends both deadlines to July 15, 2013. Failure to
7 meet this new deadline will result in the imposition of monetary sanctions. The Court
8 will not consider any further motions to reconsider or stay enforcement in this matter.

9 Further, although the Prenda parties' bond was not posted with the Court until
10 May 22, 2013—two days after the deadline—the Court finds that there was a good-
11 faith effort on their part to obtain the bond. The bond was obtained on May 16, 2013.
12 (ECF No. 174.) Therefore, the Court hereby **VACATES** its May 21, 2013 Order
13 imposing sanctions of \$1,000 per day, per person or entity as to each of the Prenda
14 parties.

15 To the extent Paul Hansmeier's Emergency Motion and Prenda Law's
16 Emergency Motion seeks relief not mentioned above, those Motions are **DENIED**.
17 (ECF Nos. 180, 181.)

18 Finally, the Court notes that the posted bond conspicuously omits Gibbs as an
19 obligee. The Court also recognizes Gibbs' inability to pay and his dissociation with
20 the Prenda parties. But the Court cannot grant his stipulation with Defendant Doe as
21 to the applicability of the bond: the Court cannot compel the Prenda parties to post a
22 bond on Gibbs's behalf. (*See* ECF No. 178.)

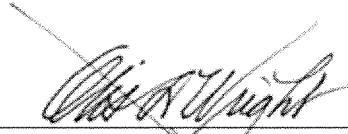
23 In light of Gibbs' circumstances, the Court hereby **VACATES** its May 21,
24 2013 Order imposing sanctions as to Gibbs and waives the Rule 62(d) bond
25 requirement as to Gibbs. Nevertheless, the Court notes that Gibbs remains jointly and
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27 ¹ The "Prenda parties" refer to the parties named as obligees on the bond posted on May 23, 2013:
28 Ingenuity 13 LLC, John Steele, Paul Hansmeier, Paul Duffy, AF Holdings LLC, and Prenda Law,
Inc. (ECF No. 174.)

1 severally liable with the Prenda parties for the May 6, 2013 sanctions and takes no
2 position with respect to the enforceability of the Prenda parties' bond in the event
3 Gibbs is the sole party ultimately found liable on appeal.

4 **IT IS SO ORDERED.**

5 June 17, 2013

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8 **OTIS D. WRIGHT, II**
9 **UNITED STATES DISTRICT JUDGE**

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