

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

	X	
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MALIBU MEDIA, LLC,	:	
	:	Civil Action No. <u>2012-2078</u>
Plaintiff,	:	
	:	Consolidated from Cases:
vs.	:	2:12-cv-02078-MMB
	:	2:12-cv-02084-MMB
JOHN DOES 1, 6, 13, 14, and 16,	:	5:12-cv-02088-MMB
	:	
Defendants.	:	
	:	
	X	

**PLAINTIFF’S NOTICE OF FILING DECLARATION OF PATRICK PAIGE
AND
PLAINTIFF’S NOTICE OF ITS INTENTION TO FILE A MOTION FOR SANCTIONS
BASED UPON JOHN DOE 16’S INTENTIONAL FABRICATION OF EVIDENCE AND
SCHEME TO DEFRAUD PLAINTIFF AND THIS COURT**

PLEASE TAKE NOTICE, Plaintiff hereby files the attached Declaration of Patrick Paige. It speaks for itself. Also, please take notice that Plaintiff is currently preparing a motion for sanctions. Plaintiff’s current draft focuses on spoliation. This afternoon, however, it occurred to undersigned that John Doe 16’s transgressions far exceed *mere* spoliation. *John Doe 16 knowingly and willfully fabricated evidence.* John Doe 16 did this as part of a conscious scheme to defraud Plaintiff and this Court. The available sanctions for fabricating evidence may be different than those for merely spoliating evidence. It is certainly a much more egregious offense. In short, Plaintiff’s team needs more time to research the law regarding willful fabrication of evidence and prepare a proper motion. With this in mind, please take notice that a motion for sanctions will be filed as soon as is possible.

Dated: May 17, 2013

Respectfully submitted,

By: /s/ M. Keith Lipscomb

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CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ M. Keith Lipscomb