

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MALIBU MEDIA, LLC,	:	
	Plaintiff	:
vs.	:	NO.: 2:12-CV-02078-MMB
	:	
JOHN DOES 1, 13, 14 AND 16	:	
	Defendant	:

PRETRIAL MEMORANDUM OF DEFENDANT, JOHN DOE 16

Defendant, JOHN DOE 16 now files this Pretrial Memorandum in accordance with Rule 16.1(c) of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, this Court's Pretrial and Trial Procedures, and this Court's Order filed of record on May 2, 2013.

I. NATURE OF THE ACTION

Plaintiffs filed the within lawsuit alleging Defendant, John Doe #16 infringing activities occurred on February 19, 2012 at 5:54 A.M. The complaint further alleges that John Doe #16 infringing activities are continuous and ongoing.

This Court has jurisdiction to hear this matter pursuant to 28U.S.C. § 1331.

II. COUNTERSTATEMENT OF FACTS

Defendant contends that he/she never infringed any copyright of the Plaintiff. There has been no evidence presented which supports Plaintiff's contention.

III. REMEDIES

Defendant requests an entry of judgment in his/her favor.

IV. WITNESSES

The Defendant reserves its right to call any and/or all of the following witnesses at the time of trial in this matter:

1. John Doe 16
2. Spouse of John Doe 16
3. John Doe 1
4. John Doe 13
5. Any witnesses identified by Plaintiff's on its witness list
6. Defendant reserves the right to list and/or call any and all newly discovered witnesses upon proper notice.

The Defendant also reserves the right to call any and/or all of the witnesses identified in Plaintiffs' Pretrial Memorandum, and any witness who may rebut testimony offered by witnesses called by Plaintiffs.

V. EXHIBITS

1. Deposition of John Doe 16
2. Deposition of spouse of John Doe 16
3. Copies of hard drives for any and all of Defendant's computers, including, but not limited to desk top and laptop; some of which may be in possession of Plaintiff.
4. Defendant may also use a computer/laptop during his testimony
5. Photographs of Defendant's Home
6. Receipts of mailing and copying
7. Any exhibit which may be necessary to rebut testimony offered by Plaintiff or any of Plaintiff's witnesses
8. All documents or other materials produced between the parties to this action during discovery and pleadings
9. All documents or other materials listed on the Exhibit List of Plaintiff

The Defendant also reserves the right to amend and/or supplement this Exhibit List upon proper notice to the parties and this Court.

VI. TRIAL DAYS

It is estimated that the Defendant will take 1 day to present its case.

VII. EVIDENTIARY ISSUES

Defendant is not aware of any evidentiary issues in this matter.

VIII. OUTSTANDING MOTIONS

As of this moment, there is an outstanding Plaintiff's Motion for Summary Judgment and Plaintiff's Intention to File a Motion for Sanctions.

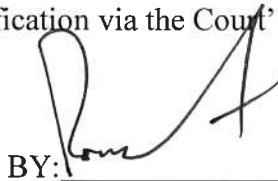
Respectfully submitted



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CERTIFICATE OF SERVICE

I, RONALD A. SMITH, ESQUIRE, hereby certify that on this 21th day of May, 2013, a true and correct copy of the foregoing was filed with the Clerk of Court using the CM/ECF and all parties have received or will receive notification via the Court's CM/ECF electronic filing.



BY: _____
RONALD A. SMITH, ESQUIRE