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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:13-cv-02385-WYD-MEH

MALIBU MEDIA, LLC,

Plaintiff,

v.

MIKE CUDDY,

Defendant.

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**PLAINTIFF'S MOTION TO APPEAR TELEPHONICALLY AT THE SETTLEMENT  
CONFERENCE SCHEDULED FOR OCTOBER 8, 2015 AT 10:30 A.M.**

Plaintiff, Malibu Media, LLC ("Plaintiff"), hereby moves for the entry of an order allowing Plaintiff to appear telephonically at the settlement conference scheduled for October 8, 2015 at 10:30 A.M. and states:

1. A settlement conference has been scheduled for October 8, 2015 at 10:30 AM [CM/ECF 83]. Pursuant to the Order setting the conference, a person with full settlement authority must be present.
2. An authorized representative of Malibu Media will appear at the conference on behalf of Plaintiff.
3. Plaintiff's corporate office is located in Los Angeles, California.
4. Pursuant to Rule 1 of the Federal Rules of Procedure, the federal rules shall "be construed and administered to secure just, speedy and *inexpensive* determination of every action and proceeding" (emphasis added).
5. Plaintiff seeks to allow Plaintiff's representative to appear at the hearing telephonically so as to effectuate the most inexpensive resolution of the instant matter.

6. Undersigned intends to appear at the settlement conference in person.

7. Plaintiff has conferred with Defendant's counsel regarding the relief requested herein, and Defendant opposes the relief sought.

WHEREFORE, Plaintiff respectfully requests that the Court enter an order allowing Plaintiff's representative to appear telephonically at the settlement conference of October 8, 2015 at 10:30 AM. A proposed order is attached hereto for the Court's convenience.

Dated: October 1, 2015

Respectfully submitted,

By: /s/Jason Kotzker  
Jason Kotzker  
jason@klgip.com  
KOTZKER LAW GROUP  
9609 S. University Blvd. #632134  
Highlands Ranch, CO 80163  
Phone: 303-875-5386  
*Attorney for Plaintiff*

#### **CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2015, 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/Jason Kotzker  
Jason Kotzker