Daniel Shatz

From:	cynthia@cynthiaconlin.com on behalf of Cynthia Ariel Conlin <cynthia@conlinpa.com>
Sent:	Friday, October 23, 2015 12:14 PM
To:	Keith Lipscomb
Cc:	copyright
Subject:	Defendant's Affirmative Defenses in Malibu Media, LLC v. Dare, Case No. 0:14-cv-61957-JIC (SDFL) (Re. IP Address 98.249.146.169)

Dear Keith,

You just recently indicated that you believe that some of Defendant's affirmative defenses may be insufficient in *Malibu Media, LLC v. Dare*, Case No. 0:14-cv-61957-JIC. However, you did not say which affirmative defenses. As you know, the time period for filing a motion to strike has ended, and you have not raised any issue about these defenses prior to now. However, I wish to avoid any unnecessary motion practice.

Therefore, in an effort to narrow the issues before trial, Defendant agrees to voluntarily withdraw the following affirmative defenses:

- Ninth Affirmative Defense (Safe Harbor)
- Eleventh Affirmative Defense (License, Consent, and Acquiescence)

If the Plaintiff shall consent to such withdrawal, I will draft a motion to withdraw these affirmative defenses and mark it as unopposed. The purpose here will be to narrow the issues before trial and prevent needless motion practice.
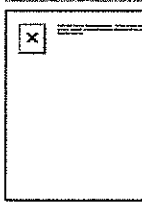
Additionally, if there are any other of Defendant's affirmative defenses that you find legally insufficient, before you spend any needless time drafting a motion for summary judgment as to those, kindly let me know which ones they are, and a very brief reasoning, and I will review same to determine whether Defendant shall either withdraw those as well, or, in the alternative, oppose Plaintiff's motion for summary judgment.

Thank you for your professional courtesy as to this matter. I am about to leave for a deposition and will be out the remainder of the afternoon, but I should be able to reply to your emails by Monday.

Regards,

Cynthia Conlin

Law Office of Cynthia Conlin, P.A.
1643 Hillcrest Street
Orlando, FL 32803
Tel: 407-965-5519 or 1-888-323-5993
Fax: 407-545-4397
www.ConlinPA.com