

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

MALIBU MEDIA LLC,)	
)	
Plaintiff)	No. 13 cv 50286
)	
vs)	Judge Frederick J. Kapala
)	
JOHN DOE, subscriber assigned IP)	
address 98.227.36.117)	
)	
Defendant)	

PLAINTIFF’S MOTION FOR HEARING ON PLAINTIFF’S RESPONSE TO THE COURT’S ORDER TO SHOW CAUSE

Plaintiff, Malibu Media, LLC (“Plaintiff”) by and through undersigned counsel hereby moves for entry of an order setting a hearing on Plaintiff’s Response to the Court’s Order to Show Cause (the “Response”), and states:

On September 17, 2013, this Court ordered Plaintiff “to show cause as to why attaching Exhibit C to the complaints . . . does not violate Federal Rule of Civil Procedure 11(b).” On October 4, 2013, Plaintiff filed its Response to the Court’s Order. To assist the Court in making its decision, Plaintiff desires to explain its position to the Court in person prior to the Court’s ruling on the Response. “[G]iven the seriousness of allegations of bad faith and filing for improper purpose, the balance should be struck in favor of permitting an evidentiary hearing[.]” § 7.04 HEARING, Rule 11 Sanctions s 7.04. See also *Kapco Mfg. Co., Inc. v. C & O Enterprises, Inc.*, 886 F.2d 1485, 1495 (7th Cir. 1989) (“the right to a hearing . . . is [] limited to cases where a hearing could assist the court in its decision.”).

Undersigned counsel takes this issue very seriously. Indeed, prior to the

Order in Wisconsin, undersigned counsel had never been sanctioned by any court. Here, Plaintiff believes that a hearing would be useful in ascertaining the facts. Additionally, Plaintiff's Response to the Order to Show Cause contained a large amount of information and allowing undersigned the opportunity for a hearing may help the Court focus on those issues about which it is particularly concerned.

WHEREFORE, Plaintiff respectfully requests entry of an order setting a hearing on Plaintiff's Response and for such further and additional relief as this Court deems right and just.

MALIBU MEDIA LLC

One of its attorneys

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