

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHER DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>MALIBU MEDIA LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Case No. 13 C 7136</b>
<b>v.</b>	)	
	)	<b>Judge Ellis</b>
<b>JOHN DOE, subscriber assigned IP</b>	)	
<b>address 68.58.23.97,</b>	)	<b>Magistrate Judge Cole</b>
	)	
<b>Defendant.</b>	)	

**DECLARATION OF PAUL MOSSER**

1. I am a law student at John Marshall Law School in Chicago and I am in my second semester of my second year of law school.
2. I was hired as an extern for the Fall 2013 semester to Magistrate Judge Jeffrey Cole.
3. I was observing courtroom proceedings in Judge Cole's courtroom on October 25, 2013, when the case of Malibu Media v. Doe was called. I actually remember the name of the case because a friend of mine wrote a law review article on the subject that the case dealt with. I was present in the courtroom before the case was even called. As part of the experience of being an extern, Judge Cole has allowed me to sit in on motion calls and other court proceedings.
4. The lawyer for Malibu Media requested that judge Cole grant permission to issue a subpoena to discover the identity of the unknown defendant whose IP address she had. No one appeared for the unknown defendant.
5. Judge Cole granted the plaintiff's motion to issue a subpoena to the service provider to discover the owner of the IP address. However, plaintiff's attorney was not satisfied with a minute order that allowed her to issue the subpoena to learn the identity of the IP owner. The attorney wanted to provide a draft order and Judge Cole said that the minute order allowing her to issue the subpoena was sufficient.
6. Judge Cole then left the courtroom. As he left, plaintiff's attorney turned from the podium and walked to the counsel table. At this point, the attorney and I were the only two people in the courtroom. I had never met her and she obviously did not know who I was.
7. At the counsel table, as the plaintiff's attorney was packing up her belongings, she looked directly at me and clearly mouthed the words, "what an asshole." I was dressed in a suit and tie. I left the courtroom and immediately reported what had occurred to Judge Cole.

8. At the time the statement occurred, I was standing in the second row from the front on the left side of the courtroom (as seen from the bench). I was 10 feet away from her – having actually measured the distance this morning. My view of the lawyer was unobstructed and I have no doubt as to what she mouthed to me.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Chicago on November 15, 2013.

  
\_\_\_\_\_  
PAUL MOSSER

DATE: November 15, 2013