

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

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|---------------------------------|---|----------------------|
| DALLAS BUYERS CLUB, LLC, |) | |
| |) | |
| Plaintiff, |) | Case No.: 14-cv-2158 |
| |) | |
| v. |) | |
| |) | Judge Gary Feinerman |
| CHRISTIAN BANUELOS, SHERRY MAI, |) | |
| ADRIAN NUNEZ, LEE MOMINET, JEAN |) | |
| L. LAROSILIERE, STEVE HALLORAN, |) | |
| and DAVID OLISAR, |) | |
| |) | |
| Defendants. |) | |

STATUS REPORT

Pursuant to the Court's Order of October 8, 2014, Plaintiff's counsel submits this Status Report, solely prepared by Plaintiff's counsel because no counsel for a Defendant remaining in the case has filed an appearance.

1. Nature of the Case

a. Attorneys of Record. Plaintiff's attorneys of record are Michael A. Hierl, Todd S. Parkhurst and Karyn Bass Ehler.

b. Basis of Federal Jurisdiction. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 17 U.S.C. §101 et seq. and 28 U.S.C. §§1331 and 1338(a).

c.1. Plaintiff's Claims. Plaintiff alleges that Defendants infringed its exclusive rights in the copyrighted motion picture at issue by computer-based peer-to-peer file transfer. In particular, Plaintiff alleges that Defendants used a BitTorrent file transfer protocol to reproduce and distribute the copyrighted motion picture to and among third parties. No answer has been filed and no counterclaims are pending.

c.2. Major Legal and Factual Issues. Whether or not each Defendant has

infringed the federally registered copyright in the copyrighted motion picture at issue and the appropriate damages for that infringement.

d. Relief Sought by Plaintiff. Judgment against Defendants for willful violation of Plaintiff's federally registered copyright, actual or statutory damages, an order of impoundment concerning all infringing copies of Plaintiff's copyrighted work in Defendants' possession or control, attorney fees, litigation expenses and costs, and such further declaratory and injunctive relief as may be just and proper.

e. Service of Parties. Defendant Nos. 1-5, 7, 11, 13-17, 19, 21-25, 27-35, 37 and 39 have been dismissed. Settlements with Defendant Nos. 26, 36 and 38 are pending. As directed by the Court, the Complaint has been amended to name the remaining Defendants (Nos. 6, 8, 9, 10, 12, 18 and 20), and a summons has been issued for each of the remaining Defendants who are in the process of being served. Settlement discussions are ongoing.

2. Prior History, Discovery and Motions

a. Substantive Rulings. Judge Feinerman granted Plaintiff's Motion for Leave to Take Discovery Prior to Rule 26(f) Conference [9] on April 15, 2014 [12].

b. Discovery. Plaintiff issued a subpoena to Comcast on April 17, 2014 requesting the names and addresses of Doe Nos. 1-39. Comcast has complied.

c. Pending Motions. No motions are pending.

d. Anticipated Motions. No motions are anticipated at present.

3. Trial

- a. Plaintiff has requested a jury trial.
- b. No trial date has been set. No Defendant has filed an appearance.
- c. Probably 2-4 days.
- d. No pretrial order has been filed or scheduled.

4. Referrals and Settlement

- a. This case has not been referred to a Magistrate Judge.
- b. Plaintiff's counsel has contacted Defendants; settlement discussions have taken place and are ongoing.
- c. Plaintiff does not request a settlement conference.
- d. Plaintiff consents to proceeding before a Magistrate Judge. No counsel for a Defendant remaining in the case has filed an Appearance.

Respectfully submitted,

Dated: October 14, 2014

DALLAS BUYERS CLUB, LLC

By: s/ Michael A. Hierl
Michael A. Hierl (Bar No. 3128021)
Todd S. Parkhurst (Bar No. 2145456)
Karyn L. Bass Ehler (Bar No. 6285713)
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Attorneys for Plaintiff
Dallas Buyers Club, LLC

CERTIFICATE OF FILING

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Reassignment Status Report was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on October 14, 2014.

s/Michael A. Hierl