

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT INDIANA
LAFAYETTE DIVISION

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No.: <u>4:13-cv-00027-JD-JEM</u>
)	
v.)	
)	
JOHN DOE subscriber assigned IP address)	
98.226.144.247,)	
)	
Defendant.)	
_____)	

PLAINTIFF’S MOTION FOR LEAVE TO FILE ITS NOTICE OF SETTLEMENT AND VOLUNTARY DISMISSAL UNDER SEAL

Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for entry of an order to file its Notice of Settlement and Voluntary Dismissal (“Dismissal”) under seal and states:

1. On September 6, 2013, Plaintiff filed its Dismissal under seal. *See* CM/ECF 23.
2. Pursuant to the Court’s Order at CM/ECF 24 and N.D. Ind. L.R. 5-3(a), Plaintiff files this motion to seal its Dismissal and sincerely apologizes to the Court for its previous error of failing to contemporaneously file a motion to seal with its Dismissal.
3. Plaintiff filed its Dismissal under seal because it contained Defendant’s email address in the Proof of Service.
4. Pursuant to the Court’s protective order, Plaintiff is required to file certain documents under seal in order to protect the Defendant’s identity. *See* CM/ECF 7 (requiring Plaintiff to file its subpoena response and proof of service under seal). Further, pursuant to the Court’s protective order, Plaintiff is not allowed to publically identify Defendant by name. *Id.*
5. Due to the sensitive nature of this case, and out of an abundance of caution, Plaintiff seeks leave to file its Dismissal under seal because it contains Defendant’s email

address in the proof of service. While this email address may not specifically list Defendant's name, it may be used to identify and/or otherwise contact Defendant.

6. Good cause exists to grant this motion.

WHEREFORE, Plaintiff respectfully requests that the Court permit Plaintiff to file its Dismissal under seal.

Dated: September 12, 2013

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

By: /s/ Paul J. Nicoletti
Paul J. Nicoletti, Esq. (P44419)
36880 Woodward Ave, Suite 100
Bloomfield Hills, MI 48304
Tel: (248) 203-7800
Fax: (248) 203-7801
E-Fax: (248) 928-7051
Email: paul@nicoletti-associates.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2013, 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/ Paul J. Nicoletti