

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MALIBU MEDIA, LLC

Plaintiff,

v.

STEPHEN MCSWEENEY, CHARLIE TOLLEY,
JEREMIAH MCKINNEY, JAMES HELFERICH, ERNEST
NURULLAEVA, an JOHN DOE 1 and 7,

Defendants.

In light of the Dismissal of Plaintiff's claims against Defendant Helferich, Defendant Helferich's motion is DENIED AS MOOT. Dated: September 24, 2013

Civil Action No. 1:12-cv-00842-TWP-MJD



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

MOTION TO STRIKE

NOW COMES, a Defendant, JAMES HELFERICH, ("Helferich") by and through his attorneys, SHAY KEPPLER PHILLIPS, LTD., who moves this Honorable Court to Strike Plaintiff's Notice of Plaintiff's Election of Statutory Damages (the "Notice"). In support thereof, Helferich provides the contemporaneously filed memorandum and states as follows:

1. On August 2, 2013, Plaintiff, Malibu Media, LLC filed its Notice. (ECF Doc. 79).
2. The election to statutory damages, in part, is unlawful as the alleged infringement occurred prior to the registration of the copyrighted works. See, 17 U.S.C. § 412.

WHEREFORE, the Defendant, JAMES HELFERICH, respectfully requests that this Court enter an Order striking the Notice.

Dated: August 12, 2013

Respectfully submitted,

/s/ Jonathan LA Phillips
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CERTIFICATE OF SERVICE

I certify that on August 12, 2013 a copy of the foregoing Memorandum in Support of Motion to Strike was served to all relevant parties by:

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