

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>1:12-cv-01115-TWP-DML</u>
)	
v.)	
)	
KEVIN ETTER, NICHOLAS SHELTON,)	
AARON REYES, HO YEUNG, DAVID)	
WYATT, LEAH JUSTICE, LUCILLE)	
PHILLIPS and JOHN DOES 2, 3 and 5,)	
)	
Defendants.)	
)	

PLAINTIFF'S PRELIMINARY WITNESS AND EXHIBIT LIST

Plaintiff, Malibu Media, LLC, by counsel, submits the following preliminary list of witnesses and exhibits that it presently believes it may introduce at trial. Plaintiff reserves the right to supplement or amend these lists at any time prior to trial;

Witnesses:

1. Colette Field;
2. Tobias Fieser;
3. Michael Patzer;
4. Comcast Corporation;
5. Patrick Paige;
6. Ernesto Rubi;
7. Defendant, Kevin Etter;
8. Any individuals on Defendant's initial disclosures and preliminary or final witness lists, including any supplements or amendments thereto;

9. Any experts Defendant may retain and designate to testify by the deadline set in the parties' Case Management Plan; and

10. Additional individuals revealed in discovery not yet conducted or completed or necessary to respond to witnesses, documents, facts or opinions not yet disclosed to Plaintiff.

Exhibits:

1. The U.S. Copyright Registrations for each of the Infringed Works and any applicable corrections thereto;

2. Responses from Internet Service Providers (ISPs) identifying their subscribers who are the defendants or the husband of a Defendant in this action;

3. Router that Defendant used to connect to the Internet;

a. Router's user manual;

b. Internet pages published by the manufacturer of Defendant's router;

4. Original versions of the Infringed Works;

5. The .torrent files corresponding to each of the Infringed Works;

6. The .mov, .adi, .mpg, .wmd and all such similar files that correlate to each of the .torrent files downloaded and distributed by Defendant;

7. PCAPs (packet captures) evidencing a data transaction between Defendant and IPP International U.G. for each of the infringed works;

8. Technical reports authored by IPP evidencing a transaction between Defendant and IPP International U.G. for each of the infringed works;

9. Copies (or forensically sound copies of the copies) of Defendant's hard drives, and selected evidence derived from hard drives.

10. Defendant's discovery responses, to the extent not objectable;

11. Screenshot of letter from DreamWorks to Piratebay;

12. Screenshot of Google search of X-Art and BitTorrent;
13. Sample DMCA notices sent by Plaintiff to third parties;
14. Any DMCA's notices sent to Defendant; and
15. Records of Defendant's bandwidth usage.

If Plaintiff discovers additional witnesses or exhibits they intend to use at trial, counsel for Plaintiff will furnish an identification of the additional witnesses or exhibits to the Court and opposing counsel. This list does not include witnesses or exhibits Plaintiff may use for purposes of impeachment or rebuttal.

Dated: November 12, 2013

Respectfully submitted,
NICOLETTI & ASSOCIATES, PLLC

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CERTIFICATE OF SERVICE

I hereby certify that on November 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