

Sue VanHolstyn

From: Paul Nicoletti <paulnicoletti@gmail.com>
Sent: Monday, October 21, 2013 8:15 AM
To: James A. Mitchell
Subject: Re: 131018 Malibu v. Bui | NWMI15-1

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I agree that case evaluation would be a waste of time at this juncture. We need an order/stip are you going to prepare?

Best Regards,

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On Sat, Oct 19, 2013 at 12:26 PM, James A. Mitchell <jamitchell@mitchelliplaw.com> wrote:

Paul, per my voice mail, I suggest we ask the Court to forgo the Early Neutral Evaluation. I see nothing to gain. As I indicated, our client acknowledges that the movies you are suing on were downloaded to his computer. The issues as we see it are:

1. Who made the copy on Mr. Bui's computer, Mr. Bui or Kick Ass Torrent?
2. If Kick Ass Torrent, was Mr. Bui a joint tortfeasor, or was he innocent and ignorant of any wrong doing.
3. Damages, if any.

We need to identify our experts, which you have now done, and file our expert reports. You will probably want to depose Mr. Bui. We may want to depose each other's experts.

Let me know if you agree, so we can jointly ask the Court to forgo the ENE order. If you do not agree, we will ask the Court ourselves. Our client cannot afford the expense of ENE.

We owe you interrogatory answers on Monday. May we please have until Thursday to complete? Thanks.

James A. Mitchell

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