

From: Paul Nicoletti <paulnicoletti@gmail.com>
Sent: Thursday, September 19, 2013 4:49 PM
To: John Bradshaw
Subject: Malibu Media, LLC v. [REDACTED]

John,

In light of the information that you have provided regarding your client, my client would like you to stipulate to the substitution of [REDACTED], [REDACTED], as the Defendant. As you are well aware, at the time this suit was filed your client – who was the subscriber assigned the relevant IP address on the relevant date/time – was the only individual that Plaintiff could identify as the alleged infringer. Consequently, Plaintiff alleged that [REDACTED] was the infringer. From the information that you have provided regarding [REDACTED], however, it appears as if [REDACTED] may not be the proper defendant in this case and my client has no interest in pursuing an innocent individual. Accordingly, I'd like for you to stipulate to the substitution.

[REDACTED]

The infringement in this case was committed by [REDACTED] and, Plaintiff has a good faith basis for believing that [REDACTED] is the most likely person to have used BitTorrent in the household from where the infringement emanated. Consequently [REDACTED] is the most likely person to have infringed my client's copyrighted works through the use of the BitTorrent protocol and substitution is therefore warranted.

Please advise whether or not you will stipulate to the substitution of [REDACTED] as Defendant. If not, we will prepare an appropriate motion to amend the Amended Complaint to add [REDACTED] as a defendant and, once he is added, we will then dismiss [REDACTED].

Best Regards,

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