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14 Attorneys for Defendant  
15 JOHN DOE subscriber assigned IP address  
16 67.180.177.80

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**

19 MALIBU MEDIA, LLC,  
20  
21 Plaintiff,  
22  
23 vs.

24 JOHN DOE subscriber assigned IP  
25 address 67.180.177.80,  
26  
27 Defendants.

CASE NO.: 3:16-cv-01005-WHA

Honorable William H. Alsup  
Ctrm: No. 8, 19th Floor

**DEFENDANT'S EVIDENTIARY  
OBJECTIONS TO DECLARATION  
OF BRIAN HEIT RE MOTIONS  
FOR ATTORNEYS FEES AND  
FOR SANCTIONS**

Date: September 29, 2016  
Time: 8:00 a.m.  
Ctrm: 8, 19th Floor

Complaint Filed: February 29, 2016  
FAC Filed: June 1, 2016  
Trial Date: September 5, 2017  
FAC Dismissed: July 28, 2016

Defendant John Doe objects as follows to the following statements in the Declaration of Brian Heit filed by Plaintiff MALIBU MEDIA in opposition to Defendant's Motion for Attorneys' Fees and Motion for Sanctions:

MATERIAL OBJECTED TO	GROUND'S FOR OBJECTION	COURT'S RULING
1. ¶ 7 at page 2, lines 3-5: "Malibu's investigator Excipio recorded not only the torrenting activity of Malibu's works taking place through Defendant's IP address—but that Defendant's IP address was torrenting numerous other copyrighted files."	Lack of foundation; lack of personal knowledge; inadmissible hearsay; inadmissible opinion; speculation, and irrelevant.	Sustained <input type="checkbox"/> Overruled <input type="checkbox"/>
2. ¶ 8 at page 2, lines 6-8: "During its investigation, Malibu compared this torrenting activity to Defendant's public social media accounts to determine whether Defendant's hobbies and interests correlated to the torrenting activity taking place through Defendant's IP address."	Lack of foundation; lack of personal knowledge; inadmissible hearsay; inadmissible opinion; speculation, and irrelevant.	Sustained <input type="checkbox"/> Overruled <input type="checkbox"/>
3. ¶ 9 at at page 3, line 9: "Malibu found that it did."	Lack of foundation; lack of personal knowledge; inadmissible hearsay; inadmissible opinion; speculation, and	Sustained <input type="checkbox"/> Overruled <input type="checkbox"/>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
	irrelevant.	
4. ¶10 at page 2, line 10: "Defendant's Facebook listed music and TV shows that he 'liked.'"	Lack of foundation; lack of personal knowledge; inadmissible hearsay; inadmissible opinion; speculation, and irrelevant.	Sustained <input type="checkbox"/> Overruled <input type="checkbox"/>
5. ¶11 at page 2, lines 11-13: "Specifically, Defendant liked the following musicians: Kanye West, Beastie Boys, NWA, and Miles Davis. He also liked the TV shows 'South Park' and 'It's Always Sunny in Philadelphia.'"	Lack of foundation; lack of personal knowledge; inadmissible hearsay; inadmissible opinion; speculation, and irrelevant.	Sustained <input type="checkbox"/> Overruled <input type="checkbox"/>
6. ¶12 at page 2, lines 14-20: "Plaintiff's evidence of torrenting activity showed that Defendant's IP address downloaded the following copyrighted music files: April 22, 2014 - Kanye West - Yeezus (RapGodFathers.info) January 7, 2016; Straight.Outta.Compton.2015.DVDSCR.x 264-LEGi0N.mkv; January 31, 2016 - Beastie Boys The In Sound From Way Out [Instrumentals] 1996; April 20, 2016 -	Lack of foundation; lack of personal knowledge; inadmissible hearsay; inadmissible opinion; speculation, and irrelevant.	Sustained <input type="checkbox"/> Overruled <input type="checkbox"/>

MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	COURT'S RULING
Miles Davis - Bitches Brew jazz2 mp3320[40gercc]		
7. ¶ 13 at page 2, line 19, through page 3, line 3: Plaintiff's evidence of torrenting activity also showed that Defendant's IP address downloaded the following copyrighted TV Shows: [LISTING OF SHOWS OMITTED.]	Lack of foundation; lack of personal knowledge; inadmissible hearsay; inadmissible opinion; speculation, and irrelevant.	Sustained <input type="checkbox"/> Overruled <input type="checkbox"/>

Dated: September 1, 2016      STUART KANE LLP

By: /s/ Bruce D. May

BRUCE D. MAY  
Attorneys for Defendant  
JOHN DOE

Dated: September 1, 2016      LAW OFFICE OF NICHOLAS RANALLO

By: /s/ Nicholas Ranallo

NICHOLAS RANALLO  
Attorneys for Defendant  
JOHN DOE

**CERTIFICATE OF SERVICE**  
*Malibu Media, LLC v. John Doe*  
Case No. 3:16-cv-01005-WHA

I certify that on September 1, 2016, I served the foregoing **DEFENDANT'S EVIDENTIARY OBJECTIONS TO DECLARATION OF BRIAN HEIT RE MOTIONS FOR ATTORNEYS FEES AND FOR SANCTIONS** on Plaintiff Malibu Media and its counsel by posting a true and correct copy on the Court's electronic CM/ECF system for which they are registered users.

Brenna E. Erlbaum, Esq.  
Brian Heit, Esq.  
HEIT ERLBAUM, LLP  
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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this Certificate of Service was executed in Newport Beach, California, on September 1, 2016.

/s/ Lorin Moreno  
Lorin Moreno

9/1/2016  
Date