
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:12-cv-00886-MSK-MEH

MALIBU MEDIA, LLC,

Plaintiff,

v.

JEFF FANTALIS, BRUCE DUNN,

Defendants

MOTION FOR ENTRY OF PROTECTIVE ORDER

Pursuant to Fed. R. Civ. P. 7(b) and 26(c), Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for entry of the attached Protective Order limiting the use and disposition of certain information and documents in order to facilitate the exchange of information, and states:

1. Plaintiff has initiated this action against Defendant Jeff Fantalis (“Defendant”) alleging copyright infringement of its movies through the BitTorrent protocol.

2. On August 2nd, 2012 Defendant issued requests for interrogatories, for the production of documents, and requests for admissions seeking the discovery of information from Plaintiff.

3. Defendant’s discovery includes requests for information seeking the names and addresses of individuals that work directly for Plaintiff or are affiliated with Plaintiff as well as trade secrets and confidential research, development and commercial information.

4. Plaintiff seeks a protective order allowing Plaintiff to designate certain information confidential to facilitate the exchange of information in order to proceed with litigation.

5. Plaintiff has good cause for a protective order because if this information is provided to the public, Plaintiff, its employees and affiliates will be subject to annoyance, embarrassment, oppression, or undue burden and expense pursuant to Fed. R. Civ. P. 26(c). Plaintiff is aware of anti-copyright blogs and websites that follow cases by Plaintiff and disseminate defense strategies and other information. Often these blogs and websites encourage individuals to harass Plaintiff, its employees and affiliates in order to discourage Plaintiff from filing suits against individuals that have infringed its copyrights. Several of Plaintiff's counsel have received death threats and other harassing letters and emails. Plaintiff has a legitimate fear that if the information of its employees and affiliates is provided and disseminated to the public, Plaintiff, its employees and affiliates will be susceptible to similar threats and experience annoyance, embarrassment and harassment.

6. Further, several of Defendant's discovery requests relate directly to trade secrets and other confidential research, development, and commercial information. If this information is disseminated to the public, Plaintiff's competitors will have direct access to sales and revenue information, corporate strategies, investor funding and relations, marketing strategies, and several other aspects relating to the inner workings of Plaintiff's business. This information includes litigation strategies as well as attorney-client privileged information. Public disclosure of the information could severely impair Plaintiff's ability to compete in the marketplace and will intrude on the confidential rights and communications of Plaintiff, its employees and affiliates.

7. Plaintiff has communicated with Defendant Jeff Fantalis regarding the proposed protective order and Defendant has advised that he does not consent to the order.

WHEREFORE, Plaintiff respectfully requests that this Court grant the instant motion and enter an order allowing Plaintiff to designate certain information “Confidential” to protect Plaintiff from annoyance, embarrassment, oppression, or undue burden and expense pursuant to Fed. R. Civ. P. 26(c). Plaintiff’s proposed protective order is attached for the Court’s convenience.

Dated: August 24, 2012

Respectfully submitted,

By: /s/ Jason Kotzker

Jason Kotzker

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Attorney for Plaintiff

CERTIFICATE OF COMPLIANCE WITH D.C. Colo. L. Civ. R. 7.1

Pursuant to D.C. Colo. L. Civ. R. 7.1(A), Plaintiff has conferred with Jeff Fantalis concerning the relief Plaintiff seeks herein. Defendant does not consent to the present motion.

By: /s/ Jason Kotzker

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2012, 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. In addition, a copy of the foregoing document has been served upon Mr. Fantalis via U.S. Mail.

By: /s/ Jason Kotzker