

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MALIBU MEDIA, LLC,

No. 12-cv-2954 (NRB)

Plaintiff,

-against-

JOHN DOES 1-5,

**NOTICE OF
MOTION**

Defendants.

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PLEASE TAKE NOTICE that, upon the annexed affidavit of Morlan Ty Rogers, Esq., the annexed Declaration of John Doe No. 4 and the exhibits annexed hereto, the accompanying Memorandum of Law, and all prior papers and proceedings herein, the undersigned will move before the Honorable Naomi Reice Buchwald, United States District Judge, in Courtroom 21A of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order (a) pursuant to Rules 20(a) and 21 of the Federal Rules of Civil Procedure, severing and dismissing the action as to defendants John Doe Nos. 2 through 5 on the ground that plaintiff Malibu Media, LLC improperly joined said defendants in this action, (b) pursuant to Rule 45(c)(3) of the Federal Rules of Civil Procedure, quashing the subpoenas issued under the Court's April 30, 2012 *ex parte* discovery order seeking disclosure of the identities of defendants John Doe Nos. 2 through 5, and (c) granting such other and further relief as may be just and proper.

PLEASE TAKE FURTHER NOTICE that opposing affidavits and memoranda of law, if any, must be served and filed with the Court on or before July 6, 2012. Unless such affidavits and memoranda of law are timely served and filed, the relief sought herein may be granted.

Dated: Forest Hills, New York
June 29, 2012

RAY BECKERMAN, P.C.

By: s/Morlan Ty Rogers
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