

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Case No. <u>1:12-cv-00263-PPS-RBC</u>
	)	
v.	)	
	)	
JOHN DOES 1-14,	)	
	)	
Defendants.	)	
_____	)	

**MOTION TO STRIKE AMENDED COMPLAINT**

Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for entry of an order striking the Amended Complaint filed December 13, 2012 [Dkt. 47], and states:

1. Pursuant to this Court’s order dated November 7, 2012, Plaintiff is required to serve any Defendants identified by the Internet Service Providers in response to the subpoenas within seven days of receipt of same [Dkt. 30].
2. On December 13, 2012, Plaintiff filed its Amended Complaint to obtain summonses for the newly identified Defendants.
3. Pursuant to the Court’s sua sponte order, Plaintiff was instructed to file all documents containing any Defendants’ identifying information under seal [Dkt. 31].
4. The paralegal who filed the Amended Complaint was instructed to file it under seal, as it contained the identifying information for 9 of the Defendants. However, the paralegal failed to select the correct docketing event to file the Amended Complaint under seal in CM/ECF, and the Amended Complaint was filed as a public docket entry.
5. Upon learning of the error, undersigned’s office called the Clerk’s office to see if anything could be done about the public entry. The Clerk was able to temporarily block public

access to the Amended Complaint itself. The Amended Complaint is now only accessible to the Court. However, the docket text entered with the Amended Complaint contains the names of the Defendants.

6. The Clerk advised that while the Amended Complaint is no longer accessible to the public, they are unable to remove the pleading and docket text without an order from the Court striking it.

WHEREFORE, Plaintiff respectfully requests that the Amended Complaint filed December 13, 2012 [Dkt. 47] be stricken from the Court docket and that the docket text containing Defendants' names be removed from the public docket. A proposed order is attached for the Court's convenience.

Dated: December 14, 2012

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

By: /s/ Paul J. Nicoletti  
Paul J. Nicoletti, Esq. (P44419)  
36880 Woodward Ave, Suite 100  
Bloomfield Hills, MI 48304  
Tel: (248) 203-7800  
Fax: (248) 203-7801  
E-Fax: (248) 928-7051  
Email: [paul@nicoletti-associates.com](mailto:paul@nicoletti-associates.com)  
*Attorney for Plaintiff*

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 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.

By: /s/ Paul J. Nicoletti