

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

vs

Case No: 13-12217
Honorable Victoria A. Roberts

GERALD SHEKOSKI,

Defendant,

_____ /

ORDER

Two defense motions are pending: Motion for Protective Order Regarding Defendant's Computer Hard Drive and Motion for Leave to File An Early Motion for Summary Judgment/Dismissal. On Thursday, July 18, 2014, the Court held a telephone conference on the motions. Attending were: Paul Nicoletti representing the Plaintiff, and Derek Wilczynski and Lincoln Herweyer representing the Defendant. Based on the discussion held the following is ordered:

1. Defendant's Motion For Protective Order Regarding Defendant's Computer Hard Drive is **GRANTED**. Counsel for Malibu Media is to supply defense counsel with copies of protective orders entered in similar cases pending in this district, to be used as models in fashioning this protective order. As basic parameters, Defendant is to provide a mirror image of the hard drive at issue to Malibu Media, at Malibu's expense, as soon as the terms of a protective order have been agreed upon. The protective order will specify the material that Malibu's forensic expert is looking for; anything else on the hard drive is off limits for discovery purposes. Once material is

identified, the Defendant will have the right to designate levels of confidentiality. Before levels of confidentiality are agreed upon, the forensic expert is not to disseminate information found on the hard drive to anyone other than counsel for Malibu Media.

2. Malibu Media represents that a forensic examination will be completed 4 to 6 weeks after the hard drive is received. If the forensic examination does not reveal evidence of the copyright infringement alleged in the complaint, and if there is no evidence that infringing files have been deleted, Malibu Media will dismiss its claims against the Defendant. Malibu Media must report the results of the forensic examination immediately to counsel for the Defendant. Until this occurs, all other discovery in this case is **STAYED**.

3. Defendant's Motion for Leave to File An Early Motion for Summary Judgment is **DENIED**. Parties must complete discovery before summary judgment motions can be filed.

4. The Court will hold a telephone conference on September 16, 2014 at 4:30 pm if the case is not otherwise dismissed. At that time the Court will discuss additional discovery that will need to be conducted. The Court will initiate the call.

5. Although not discussed on the phone conference, Plaintiff's Motion for Extension of Time Within Which to Serve Expert Witness Report is **MOOT**.

6. The parties are prohibited from filing further motions with the Court without permission of the Court.

IT IS ORDERED.

/s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 21, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 21, 2014.

s/Linda Vertriest
Deputy Clerk