

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

<b>MALIBU MEDIA, LLC</b>	:	Case No.: 1:12-cv-01117-WTL-MJD
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>MICHAEL HARRISON,</b>	:	
	:	
<b>Defendant.</b>	:	

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**DEFENDANT’S STATEMENT OF DEFENSES**

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Pursuant to the Court’s Case Management Order [Dkt. 175], Defendant Michael Harrison (“Harrison”), by counsel, files herein his Statement of Defenses. The defenses Harrison intends to prove at trial and the legal theories upon which his defenses are based are stated specifically and set forth below in accordance with the Case Management Order’s instructions [Dkt. 175 at 2, ¶ II(A)].

**Statement of Defenses**

1. Plaintiff Malibu Media (“Malibu”) cannot establish a prima facie case of copyright infringement. Harrison challenges Malibu’s copyright registrations and the validity of Malibu’s copyright ownership in the six movies at issue in this case. Malibu has provided no evidence and cannot establish that any of the six movies at issue are works for hire under Section 101 of the 1976 Copyright Act.

2. Malibu cannot prove each of the elements of copyright infringement by a preponderance of the evidence. Malibu cannot prove ownership of valid copyrights in the six movies at issue or copying of the constituent elements that are original of the six movies at issue.

3. Malibu's movies do not contain reasonable notice of copyrights. The notices of copyright affixed to each of the original movies and the purported copies of the movies do not appear in the pornographic movies at issue until approximately the final second of each movie's total duration time. Given the nature and uses of pornographic movies, the manner and location in which Malibu affixed notices of copyright to its movies did not give reasonable notice of Malibu's claims to copyright.

4. Malibu's investigator, IPP International U.G. ("IPP"), illegally obtained evidence for use against Harrison in violation of the Indiana Private Investigator Firm License Law, I.C. 25-30-1, et seq.

5. Malibu or IPP or someone acting in concert with Malibu or IPP initially uploaded and seeded the six movies at issue.

Due to various delays, disputes and uncertainties presently associated with the discovery process and its completion, and the requirement that this filing must be consistent with the certification provisions of Fed. R. Civ. P. 11(b), Harrison expressly reserves the right to correct or amend his Statement of Defenses.

Respectfully Submitted,

*/s/ Gabriel J. Quearry*

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*Michael Harrison*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2014, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Gabriel J. Quearry

Attorney for Defendant