

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT INDIANA**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>1:12-cv-01117-WTL-MJD</u>
)	
v.)	
)	
MICHAEL HARRISON,)	
)	
Defendants.)	
)	

**PLAINTIFF’S WITNESS AND EXHIBIT LIST FOR THE EVIDENTIARY HEARING
CURRENTLY SET FOR DECEMBER 18, 2014 AT 8:30 a.m.**

Plaintiff, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel and pursuant to this Court’s Order at CM/ECF 261, hereby files its exhibit and witness list in advance of the evidentiary hearing currently set for December 18, 2014 at 8:30 a.m. Plaintiff hereby reserves the right to supplement or amend this list at any time prior to the evidentiary hearing.

PLAINTIFF’S WITNESSES:

Plaintiff may call the following witnesses at the evidentiary hearing:

(1) Defendant Michael Harrison – Defendant will testify to the facts surrounding his hard drive purportedly crashing and his disposal of the hard drive at GGI Recycling after having received notice from his ISP of the instant lawsuit against him.

(2) Patrick Paige – Plaintiff may call Patrick Paige to discuss the results of his test of IPP’s software and detection process and his examination of the Defendant’s hard drives. He may also be used to rebut any testimony that may be offered by the Defendant’s experts.

(3) Brittany Snook – Plaintiff may call Ms. Snook to testify that Malibu Media, LLC owns the copyrights to the works at issue.

(4) Any witness the Defendant intends to call to the extent that they are not precluded from testifying by motion *in limine*.

PLAINTIFF'S EXHIBITS:

To the extent admissible, Plaintiff may use the following exhibits at the evidentiary hearing:

(1) Select portions from the deposition of Comcast's 30(b)(6) representative proving that Defendant was assigned the subject IP address at the relevant time and that Defendant was sent DMCA notices notifying him of copyright infringement traced to his internet account.

(2) Select portions from Defendant's depositions of Tobias Fieser and Michael Patzer regarding Plaintiff's investigator's infringement detection processes and anything else about which they may be deposed.

(3) The PCAP evidence proving that the infringement took place from Defendant's IP address.

(4) The notice from Comcast that was sent to Defendant informing him that a lawsuit had been instituted against him.

(5) Patrick Paige's expert witness reports regarding his test of IPP's software and his examination of the Defendant's hard drives.

(6) Defendant's Answers to Plaintiff's Interrogatories

(7) Defendant's Amazon.com receipt evidencing the purchase of a replacement hard drive.

(8) Printouts from GGI Recycling or its successor company's website.

(9) The invoice from Patrick Paige evidencing the costs incurred for his services in relation to this litigation.

- (10) All of Defendant's discovery responses to Plaintiff's discovery.
- (11) All documents Defendant has produced in the litigation.
- (12) All documents that may be produced by any of the witnesses Defendant intends to call at the evidentiary hearing.

Dated: November 21, 2014

Respectfully submitted,

NICOLETTI LAW, PLC

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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2014, 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