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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

MALIBU MEDIA, LLC, a California limited liability company,

Plaintiff,

v.

JOHN DOES 1 through 10,

Defendants.

Case No.: CV-12-3614-GHK-Ex

Assigned to Hon. George H. King
Referred to Hon. Charles F. Eick

**[PROPOSED] ORDER GRANTING
JOHN DOE'S MOTION FOR
SANCTIONS AND ATTORNEY'S
FEES**

[Pursuant to L.R. 83-7 and
Fed. R. Civ. Proc. 26(c)(1),
for violations of L.R. 83-1.3]

Hearing Date: Monday July 30, 2012
Hearing Time: 9:30 a.m.
Hearing Court: 650

On June 29, 2012 Morgan E. Pietz, Esq., moved this court for sanctions under Local Rule 83-7 and Federal Rule of Civil Procedure 26(c)(1), for violations of L.R. 83-1.3. Morgan E. Pietz of the firm of The Pietz Law Firm appeared and argued in support of the motion. Leemore Kushner of the firm of the Kushner Law Group appeared and argued against the motion. The court has considered the papers submitted in support of and in

1 opposition to the motion, the authorities cited by the parties, and the argument of counsel.
2 After due deliberation, the court has reached the following conclusions:

3 A. Sanctions, pursuant to Local Rule 83-7, are warranted in this case because
4 the plaintiff Malibu Media, LLC violated the Notice of Related Cases rule willfully,
5 recklessly, or with gross negligence, employed abusive litigation tactics, and acted in bad
6 faith, in violating the Courts Notice of Related Cases Rule, Local Rule 83-1.3.

7 B. An appropriate attorneys fees and costs award in this case would be
8 \$12,179.50. This fee is calculated based on attorney Morgan E. Pietz spending 37.8 hours
9 of attorney time (x \$300/ hour) in preparing this sanctions motion. Total attorneys fees are
10 \$11,340, and 37.8 hours is a reasonable amount of time since this motion deals with 28
11 different cases, and since Malibu Media refused to do the work of explaining how the
12 cases are related itself. In addition the firm's out of pocket costs incurred in connection
13 with this motion total \$839.50. Mr. Pietz's hourly fee of \$300 per hour is reasonable for
14 an attorney of his experience and skill.

15 **THEREFORE, IT IS ORDERED THAT:**

16 1. Malibu Media, LLC, as a sanction for its willful and/or reckless conduct, pay
17 the Court the sum of \$_____.

18 2. Malibu Media, LLC, as attorney's fees and costs for acting in bad faith, pay
19 The Pietz Law Firm the sum of \$12,179.50. Payment of this sum by Malibu Media, LLC
20 to The Pietz Law Firm a single time is all that is required (notwithstanding that similar
21 motions are being brought in two other Courts).

22 3. As to the Moving Party, the return date of the subpoena to the Internet
23 Service Provider seeking that John Doe's contact information is hereby stayed.

24 4. Within three (3) court days from the date of entry of this order, Malibu
25 Media, LLC, is ordered to show cause in writing why, in light of the abusive litigation
26 tactics alleged in the Moving Party's sanctions motion, including the willful or reckless
27 failure to file Notices of Related Cases, all of the return dates to Malibu Media's
28 subpoenas authorized by Courts of this District, should not be stayed, and Malibu Media

1 prohibited from soliciting settlements from John Does in this District, pending adjudication
2 of substantive motions likely to affect the rights of the John Doe Defendants Malibu Media
3 has sued.

4 5. Within three (3) court days from the date of entry of this order, Malibu
5 Media is ordered to file a Notice of Related Cases in all 28 cases it has filed in this District.
6 The Notice of Related Cases shall follow the guidelines in L.R. 83-1.3, and also explain
7 why Malibu Media believes that certain of its cases are not related, if Malibu Media so
8 contends.

9 6. The amount set forth above must be paid no later than 15 days from notice of
10 this order.

11 7. Failure to comply with this order will result in further sanctions.

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13 Dated: _____

By: _____

14 United States District / Magistrate Judge
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