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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:13-cv-02394-WYD-MEH

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE subscriber assigned IP  
address 76.25.62.43,

Defendant.

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**PLAINTIFF'S MOTION TO SEAL  
EXHIBIT C TO THE COMPLAINT [CM/ECF 1-3]**

Plaintiff, Malibu Media, LLC ("Plaintiff"), moves for the entry of an order sealing its Exhibit C to the Complaint [CM/ECF 1-3] and states:

1. On September 3, 2013, Plaintiff filed its Complaint attaching as Exhibit C a list of expanded surveillance of other digital media files being distributed by Defendant.
2. Plaintiff filed this Exhibit C in order to:
  - (a) assist Plaintiff to identify the infringer;
  - (b) allow an innocent doe defendant to identify the infringer and tell Plaintiff the identity of the infringer prior to being served;
  - (c) assist Plaintiff to prove that the Defendant is a BitTorrent user;
  - (d) assist Plaintiff to prove that the infringer resides in the subscriber's house;
  - (e) assist Plaintiff to prove that the defendant had knowledge of the infringement;

(f) assist Plaintiff to defend against motions to dismiss brought pursuant to Fed. R. Civ. P. 12(b)(6);

(g) require Defendant to either admit or deny the allegations;

(h) bring Exhibit C within the scope of discovery topics associated with the third party infringements, including possible DMCA notices, which may be relevant to proving its case;

(i) avoid any accusations of fabrication by opposing counsel after Plaintiff has received the identity of the Defendant.

3. Although Plaintiff filed Exhibit C for the above proper purposes, in order to preempt any false allegation that Plaintiff attached it to the Complaint because it contains references to additional adult films, Plaintiff respectfully requests the Court seal it from public view.

4. To be clear, neither Plaintiff nor its attorneys have ever intended to embarrass Defendant.

5. Good cause exists to grant this motion.

WHEREFORE, Plaintiff respectfully requests that the Court seal Plaintiff's Exhibit C. A proposed order is attached for the Court's convenience.

Dated: September 25, 2013

Respectfully submitted,

By: /s/ Jason Kotzker

Jason Kotzker

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*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 25, 2013, 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/ Jason Kotzker