

**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.

JEREMIAH BENSON,

Defendant.

REQUEST FOR STATUS CONFERENCE

Defendant, Jeremiah Benson, through undersigned counsel requests a status conference with this Court at its earliest convenience. Defendant's request is based on several disputes with Plaintiff and opposing counsel that it believes would be handled more efficiently -- and at less expense -- by the Court. First, as noted in Plaintiff's unilateral status report, Malibu's counsel refuses to communicate with Defendant's counsel and has for nearly a month.

Second, instead of conferring with Defendant's counsel, who is still of record in the case, Plaintiff now informs the Court that it will, for the third time attempt to seek sanctions and now disqualification. Notably, the last time Plaintiff sought sanctions against the Defendant and his counsel this Court specifically admonished, and Plaintiff agreed on the record, that the motion was unnecessary and could have been dealt with through a quick conference with the Court. The same rationale applies here. As such, Mr. Benson requests a status conference with this Court at its earliest convenience.

Third, due to Plaintiff's refusal to communicate with defense counsel, Defendant requests an order by this Court proscribing that any motion for sanctions or disqualification be filed only with leave of Court after a status conference with both counsel present. Indeed, Defendant's

counsel is currently seeking the advice of outside ethics counsel regarding his continued representation of Mr. Benson. As a result, any motion for disqualification may become moot in the near future. Defendant believes this is justified as Plaintiff's proscribed course of action, namely sanctions and disqualification are serious matters that should not be approached without considerable thought and meaningful conferral.

Respectfully Submitted September 3rd, 2014.

s/ David S. Kerr
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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2014, a true and correct copy of the foregoing was served via ECF to all Parties of record.

s/ David S. Kerr