

David S. Kerr

From: Jason Kotzker [jason@klgip.com]
Sent: Thursday, July 11, 2013 11:51 AM
To: David S. Kerr
Subject: Re: Malibu Media, LLC v. Case No. 1:12-cv-01953-WYD-MEH; CO71-22

Hello David. I spoke with Comcast on this matter and they admitted to making a mistake in reporting subscriber information on this matter - specifically related to your client, [REDACTED], who now appears as the correct subscriber associated with IP address [REDACTED]. That being said, my client instructed me to dismiss this case yesterday in its entirety. Given the new direction, I do not anticipate they will seek to refile against your client for the infringements alleged in this action. I will let you know if that changes.

Best,

Jason

On Tue, Jul 2, 2013 at 6:08 PM, Jason Kotzker <jason@klgip.com> wrote:

David:

I am checking with Comcast on this and will be in touch as soon as I have more information. Thanks.

Jason

David S. Kerr

From: Jason Kotzker [jason@klgip.com]
Sent: Thursday, July 11, 2013 12:15 PM
To: David S. Kerr
Subject: Re: Malibu Media, LLC v. . Case No. 1:12-cv-01953-WYD-MEH; CO71-22

OK David. They are aware of the mishap and are regretful. However, this was all precipitated due to the ISP's mixup, nothing on MM's end.

On Thu, Jul 11, 2013 at 12:03 PM, David S. Kerr <dkerr@idea-asset.com> wrote:

Thank you, I will communicate that to . will also communicate that your preliminary assurances that you will not proceed against her will likely foreclose plans for any type of declaratory action going forward. While he or she may not even be aware, I believe that is likely the most thankful party in this scenario.

On a more serious note, I don't wish to make a mountain out of a molehill, but please communicate this apparent mishap to Colette and Mr. Lipscomb as this issue has been raised by myself and others numerous times with the Court.

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