

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

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MALIBU MEDIA, LLC,

Civil No. 8:14-cv-2138-VMC-MAP

Plaintiff,

vs.

JOHN DOE Subscriber assigned IP  
Address 96.252.235.193,

Defendant.

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**STATUS REPORT**

Pursuant to the Court’s Order [CM/ECF 12], Plaintiff, Malibu Media, LLC, respectfully submits the following status report and states:

1. On September 29, 2014, Plaintiff was granted leave to serve a third party subpoena on John Doe Defendant’s Internet Service Provider (“Verizon”) in order to obtain the Defendant’s identity [CM/ECF 7]. The subpoena and a copy of the Order were sent to Verizon on September 29, 2014.

2. Verizon was provided with a deadline of until December 1, 2014 to comply with the subpoena and present Plaintiff with Defendant’s information. On December 1, 2014, Doe Defendant filed a Motion for Extension [CM/ECF 9] to prepare for the proceedings and answer the Complaint. On December 4, 2014, the Court entered an Order [CM/ECF 10] granting the Doe Defendant through and until January 9, 2015, to retain counsel and to respond to Plaintiff’s Complaint.

3. Despite the additional time provided to Defendant, Defendant has failed to file a response or, to Plaintiff's knowledge, otherwise obtain counsel.

4. On January 12, 2015, Plaintiff contacted Verizon requesting that Verizon provide Plaintiff with Defendant's information so that Plaintiff may move forward with its case. Indeed, because Defendant has not moved to quash Plaintiff's subpoena, or otherwise comply with the Court's order, Plaintiff believes Verizon should comply with the subpoena.

5. Verizon advised Plaintiff that the Court's order of December 4, 2014 does not require it to provide Plaintiff with Defendant's identity, despite the Court's warning that Plaintiff may move for default judgment if Defendant does not comply with the Order. Verizon has informed Plaintiff that it will not comply with the subpoena until Plaintiff seeks clarification from the Court regarding whether Verizon must identify the subscriber due to his failure to comply with the order.

6. While Plaintiff disagrees with Verizon's position, in an effort to resolve the dispute, Plaintiff filed a Motion for the Entry of an Order Directing Non-Party Verizon FIOS to Disclose Defendant's Identity [CM/ECF 13]. This motion is pending on the docket and has not yet been ruled on.

Respectfully submitted,

By: /s/ M. Keith Lipscomb  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 16, 2015, 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.

/s/ M. Keith Lipscomb  
M. KEITH LIPSCOMB, Esq.