

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,	)	
	)	
Plaintiff,	)	Civil Case No.: <u>1:13-cv-06312</u>
	)	
v.	)	Assigned to:
	)	Honorable Geraldine Soat Brown
JOHN DOE subscriber assigned IP address	)	U.S. District Judge
24.14.81.195,	)	
	)	
Defendant.	)	
	)	

**STIPULATION**

This Stipulation is made on this 2<sup>nd</sup> day of May, 2014 by and between Plaintiff Malibu Media, LLC (“Plaintiff”) and Defendant John Doe subscriber assigned IP address 24.14.81.195 (“Defendant”). NOW, THEREFORE, the parties, hereby stipulate:

1. Plaintiff will only seek a maximum \$200 in damages per infringement for those of Plaintiff’s works included in this lawsuit which do not contain a copyright notice if and only if Defendant proves and the Court finds that Defendant is an “innocent infringer” under 17 U.S.C. § 504(c)(2) with regard to those works. If Defendant does not prove and the Court does not find that Defendant is an “innocent infringer,” Plaintiff shall be entitled to recover a maximum of \$750 in damages per infringement for each of those works.

2. For the avoidance of doubt, this stipulation in no way limits either party’s ability to recover costs and reasonable attorney’s fees under 17 U.S.C. § 505 and in no way limits Plaintiff’s ability to recover a maximum \$750 in damages per infringement for those works included in this lawsuit which contain a copyright notice.

3. Defendant hereby voluntarily withdraws his Second Motion for an Order Requiring Malibu Media, LLC to Show Cause Why it Should Not be Held in Contempt

(CM/ECF 68). The parties hereby agree that neither party shall be construed as a prevailing party with regard to the withdrawn motion.

**IT IS SO STIPULATED.**

Dated: May 2, 2014.

By: /s/ Paul J. Nicoletti

Paul J. Nicoletti, Esq. (P44419)

NICOLETTI LAW, PLC

33717 Woodward Ave, #433

Birmingham, MI 48009

Tel: (248) 203-7800

eFax: (248) 928-7051

E-mail: pauljnicoletti@gmail.com

*Attorney for Plaintiff*

By: /s/ Jonathan LA Phillips

Jonathan LA Phillips

One of Doe's Attorneys

456 Fulton St.

Ste. 255

Peoria, IL 61602

309.494.6155

E-mail: [jphillips@skplawyers.com](mailto:jphillips@skplawyers.com)

*Attorney for Defendant*