

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT INDIANA**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Case No. <u>1:13-cv-00205-WTL-MJD</u>
)	
v.)	
)	
KELLEY TASHIRO,)	
)	
Defendant.)	
)	

**PLAINTIFF’S UNOPPOSED MOTION FOR ENTRY OF AN ORDER
AUTHORIZING DEPOSITION BY TELEPHONE OF THIRD PARTIES**

Plaintiff, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 30(b)(4) hereby moves for the entry of an order authorizing Plaintiff to depose several witnesses by telephone, and states:

1. On July 10, 2013, this Court issued a scheduling order setting the final discovery deadline on February 28, 2014 (CM/ECF 29).

2. Plaintiff intends to depose the Defendant and five third party witnesses on February 25, 2014 and February 26, 2014.

3. Through depositions, Plaintiff intends on eliminating all doubt that the infringement took place outside of Defendant’s home. Accordingly, undersigned intends to depose the only other individual residing in defendant’s home, Mr. Charles Tashiro. Additionally, Plaintiff intends on deposing four (4) of defendant’s neighbors by telephone. Kelley and Charles Tashiro, and all neighbors are located in Greenwood, Indiana. Greenwood, Indiana is located approximately five (5) hours southwest of undersigned’s law offices.

4. Undersigned’s office is located at 36880 Woodward Avenue, Suite 100 Bloomfield Hills, MI 48304.

5. Fed. R. Civ. P. 30(b)(4) provides that “[t]he parties may stipulate – or the court may on motion order – that a deposition be taken by telephone or other remote means.” *Id.*

6. Plaintiff has conferred with counsel for Defendant who has advised that his client does not oppose the relief requested herein.

7. No party would be prejudiced by granting the subject Motion.

WHEREFORE, Plaintiff respectfully requests that this Court enter an order authorizing Plaintiff to hold the depositions of Defendant and the five third party witnesses on February 25, 2014 and February 26, 2014 by telephone. A proposed order is attached for the Court’s convenience.

Dated: February 13, 2014

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

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