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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 **INGENUITY 13, LLC, a Limited**
13 **Liability Company Organized Under**
14 **the Laws of the Federation of Saint**
15 **Kitts and Nevis,**

16 **Plaintiff,**

17 **v.**

18 **JOHN DOE,**

19 **Defendant.**

Case Number: 2:12-cv-08333-ODW-JC
[175]

Case Assigned to:
District Judge Otis D Wright, II

Discovery Referred to:
Magistrate Judge Jacqueline Chooljian

Case Consolidated with Case Nos.:
2:12-cv-6636; 2:12-cv-6669;
2:12-cv-6662; 2:12-cv-6668

**~~PROPOSED~~ ORDER DENYING IN
PART AND CONDITIONALLY
GRANTING IN PART PAUL
DUFFY’S MOTION FOR APPROVAL
OF BOND AND ORDER STAYING
ENFORCEMENT OF MAY 6 AND
MAY 21 ORDERS IMPOSING
SANCTIONS AND PENALTIES**

1 The Court has duly considered Paul Duffy’s Motion for Approval of Bond and
2 Order Staying Enforcement of May 6 and May 21 Orders Imposing Sanctions and
3 Penalties (“Bond Motion”) manually-filed May 23, 2013 (ECF No. 170), and the
4 response thereto filed by the putative John Doe in 12-cv-8333 and his counsel and
5 hereby ORDERS as follows:

- 6
- 7 (1) The bond already posted with the Court is conditionally approved as
8 security for this Court’s Sanctions Order (ECF No. 130) subject to the
9 following conditions, each of which shall be deemed a part of the bond
10 itself:
- 11 a. The bond shall be payable to and enforceable by “John Doe or The
12 Pietz Law Firm”
- 13 b. The bond is made joint and several and may be executed upon if *any*
14 of the parties to the bond fails to reverse the monetary portion of this
15 Court’s Sanctions Order (ECF No. 130) on appeal as to him or it. In
16 other words, if the fee award survives as against any party, the bond
17 may be executed upon even if other parties prevail on appeal.
- 18 c. The Prenda parties, as well as the surety, are estopped from arguing
19 in any Court other than this one that execution on the bond should
20 be stayed, avoided or otherwise forestalled. This expressly includes
21 an attempt to circumvent execution of the bond through bankruptcy
22 proceedings. The only valid reason to prohibit executing on the
23 instant bond (as amended) should be if all of the Prenda parties
24 prevail on the monetary portion of all of their appeals, as determined
25 by this Court.
- 26 d. The surety, and each Prenda party relying upon the bond for security
27 shall execute and acknowledgment recognizing the validity of these
28 conditions. Any party who fails to execute and file such an

acknowledgment on the docket within 7 days shall be deemed in violation of this Court's order.

- (2) Further, the Prenda parties shall be required to post an additional bond in the amount of \$135,933.66 (which is the \$237,583.66 total, minus the \$101,650.00 bond that the Prenda parties other than Mr. Gibbs have already posted) to cover costs on appeal, which includes attorneys fees since the underlying case is a copyright case. *Azizian v. Federated Dep't Stores, Inc.*, 499 F.3d 950, 958 (9th Cir. 2007). The additional bond shall be subject to all the same conditions as the bond noted above. Failure to post the additional bond within 14 days shall result in the imposition of additional sanctions.

Due to the unique circumstances of this action, which include the fact that underlying order below is a sanctions award for fraudulent conduct and the web of mysterious offshore entities controlled by the Prenda parties, the above conditions are necessary to effect justice.



DATED: June 6, 2013

Honorable Otis D. Wright, II
United States District Judge