



Morgan Pietz <morganpietz@gmail.com>

Ingenuity 13, LLC - C.D. Cal. 12-cv-8333 - Extension Request

4 messages

Morgan E. Pietz <mpietz@pietzlawfirm.com>

Mon, Nov 26, 2012 at 6:08 PM

To: "Brett L. Gibbs, Esq." <blgibbs@wefightpiracy.com>

Brett,

I was retained today by a new client, who is either a putative John Doe defendant or perhaps a putative co-conspirator (don't know, haven't had a chance to look at the pleadings yet) in the above-entitled action.

The subpoena response deadline from the ISP is this Thursday 11/29/12. I plan to file a motion to quash (and possibly sever). Are you amenable to a 14 day extension?

Also, what is your opening settlement demand in these cases?

Best regards,
Morgan

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Brett Gibbs <blgibbs@wefightpiracy.com>

Mon, Nov 26, 2012 at 6:31 PM

To: "Morgan E. Pietz" <mpietz@pietzlawfirm.com>

Mr. Pietz:

I would have to check with our client about that request. Just an FYI, our client usually does not like to grant these types of requests on short notice unless there is a reasonable chance that settlement may occur in the case. Judging by your past tactics in our Lightspeed case, I have little hope of settlement here. Our client does not like delay tactics, especially when it only benefits opposing party. With that said, I will still approach our client about this issue. Depending on when I can get in touch with the client, and considering the timing of this request, I may or may not get back to you before that deadline.

As for your settlement inquiry, since you asked, we would offer your client a \$4,000 settlement for a full release of the claims in this case. Also, I will throw in a redaction letter to the ISP notifying the ISP that we are withdrawing our subpoena for your client's information. I can promise that, if you client decides on this route, and we get the payment before the ISP release on Thursday, our letter withdrawing our subpoena to the ISP will guarantee his anonymity. In other words, we won't see anything back from the ISP relating to his

case, and the case itself will be dropped with prejudice immediately.

Obviously, it is up to your client. Talk with him, and, if he is leaning that way, I can draft up the documents to settle. The benefit is obvious -- he won't have to pay you to draft a motion to quash that I can guarantee you will fail.

It's up to him. Let me know what he says.

Regards,

Brett Gibbs

[Quoted text hidden]

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Morgan E. Pietz <mpietz@pietzlawfirm.com>
To: Brett Gibbs <blgibbs@wefightpiracy.com>

Mon, Nov 26, 2012 at 7:11 PM

Brett,

If I understand you correctly, your position is that you "may or may not get back to me" by Thursday of this week regarding my request for an extension of the deadline that falls that day? That is not very helpful. If you cannot promise me a response on this simple request by Wednesday (more than two full business days from now), I'll just go ahead and seek an extension *ex parte* tomorrow.

Also, am I to understand that your willingness to entertain the basic professional courtesy of an extension is contingent upon your belief that you may be able to pressure my client into settling? First, that is never going to work with me. Second, as you very well know, I really cannot control when clients hire me on these cases,

