

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-20427-JORDAN

DISNEY ENTERPRISES, INC.,  
TWENTIETH CENTURY FOX FILM CORPORATION,  
UNIVERSAL CITY STUDIOS PRODUCTIONS LLLP,  
COLUMBIA PICTURES INDUSTRIES, INC., and  
WARNER BROS. ENTERTAINMENT INC.,

*Plaintiffs,*

v.

HOTFILE CORP., ANTON TITOV, and  
DOES 1-10.

*Defendants.*

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**PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER REGARDING PLAINTIFFS'  
ANTIPIRACY INVESTIGATIONS AND ENFORCEMENT PROCEDURES**

Pursuant to Federal Rule of Civil Procedure 26(c) and Southern District of Florida Local Rule 26.1(h)(3), Plaintiffs hereby move for a protective order protecting from discovery in this Action certain highly sensitive information pertaining to their strategies and processes for investigating and responding to infringement of their copyrighted works online, including on the Defendants' Hotfile website.

For the reasons explained in the accompanying Memorandum of Law, the steps that the Plaintiffs take to detect and respond to infringement of their copyrighted content by Defendants and by others on the Internet are irrelevant to Defendants' culpability for copyright infringement. In addition, the information that Defendants are seeking is extremely sensitive, and improper use or disclosure thereof could severely prejudice the ability of the Plaintiffs to effectively protect

their content online. Therefore, even if there were any marginal relevance to the information Defendants are seeking, its probative value would be eclipsed by the potential prejudice of such discovery to Plaintiffs.

Normally, Plaintiffs would simply interpose objections to Defendants' discovery requests, and have done so insofar as Defendants have sought discovery about Plaintiffs' antipiracy strategies and processes from Plaintiffs directly. However, the need for this motion arises because the Defendants have turned to also subpoenaing the records of several antipiracy vendors that carry out the Plaintiffs' investigations and responses to online content theft on Plaintiffs behalf, and Plaintiffs believe are therefore in possession of documents reflecting sensitive and confidential information about Plaintiffs' strategies and practices in this area.<sup>1</sup>

WHEREFORE, for the reasons stated in the accompanying Memorandum of Law, Plaintiffs move the Court to enter an order protecting from discovery in this Action the specific categories of information about Plaintiffs' antipiracy strategies and processes identified and described in the Memorandum. These categories primarily arise with respect to information Defendants have sought to subpoena from third parties that act on Plaintiffs' behalf, however Plaintiffs respectfully request the Court clarify that any protection extends to any efforts by Defendants to seek the same information through other requests.<sup>2</sup> A proposed order granting the requested relief has been filed herewith.

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<sup>1</sup> At the July 8, 2011 status conference, the Court instructed the parties to file by July 22, 2011 any discovery motions that were delayed as a result of the Court's June 27, 2011 order denying without prejudice the parties' joint motion to extend to sixty days the time for bringing motions to compel or motions for a protective order. Therefore, Plaintiffs are filing this motion today per the Court's instructions.

<sup>2</sup> Plaintiffs have itemized for the Court in the accompanying Memorandum each of Defendants' specific discovery requests, both to third parties and Plaintiffs, that overlap with the protection Plaintiffs are seeking.

**CERTIFICATE OF GOOD FAITH CONFERENCE**

I HEREBY CERTIFY that, pursuant to Local Rule 7.1(a)(3), U.S. District Court for the Southern District of Florida, counsel for plaintiffs have conferred with counsel for defendants Hotfile Corp. and Anton Titov in a good faith effort to resolve the issues raised in this Motion, but have been unable to do so, as described in the accompanying Declaration of Luke C. Platzer.

Dated: July 22, 2011

Respectfully submitted,

By: /s/ Karen L. Stetson

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22d Day of July, 2011, I served the following documents on all counsel of record on the attached service list via the Court's CM/ECF filing system:

**Plaintiffs' Motion For a Protective Order Regarding Plaintiffs' Antipiracy Investigations and Enforcement Procedures**

I further certify that I am admitted to the United States Court for the Southern District of Florida and certify that this certificate of Service was executed on this date at Miami, FL.

By: /s/ Karen L. Stetson  
Karen L. Stetson

**SERVICE LIST**

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CASE NO. 11-CIV-20427-JORDAN**

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