

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-20427-WILLIAMS/TURNOFF

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.*

\_\_\_\_\_ /

HOTFILE CORP.,

*Counterclaimant,*

v.

WARNER BROS. ENTERTAINMENT INC.,

*Counterdefendant.*

\_\_\_\_\_ /

**DECLARATION OF LUKE C. PLATZER IN SUPPORT OF OPPOSITION OF  
WARNER BROS. ENTERTAINMENT INC. TO HOTFILE CORP.’S MOTION TO  
COMPEL DISCOVERY FROM PLAINTIFF AND COUNTERDEFENDANT WARNER  
BROS. ENTERTAINMENT INC. OF WARNER’S TAKEDOWN INVESTIGATIONS**

I, LUKE C. PLATZER, hereby declare as follows:

1. I am a partner at the law firm of Jenner & Block LLP, and counsel to the plaintiffs  
Disney Enterprises, Inc., Twentieth Century Fox Film Corporation, Universal City Studios  
Productions LLLP, Columbia Pictures Industries, Inc., and Warner Bros. Entertainment Inc.

("Warner") in this action (collectively "Plaintiffs"). The statements made in this declaration are based on my personal knowledge including on information provided to me by colleagues or other personnel working under my supervision on this case.


2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the transcript of the October 12, 2011 deposition of David Kaplan, the 30(b)(6) representative for Warner in this action. Some lines have been redacted due to the protective order in this case.

3. The Warner investigation that is the subject of Hotfile's motion to compel postdates the Warner takedown notices of which Hotfile complains in its Counterclaim. Hotfile attached to its Second Amended Counterclaim a list of all the takedown notices it claims that Warner sent wrongfully. Warner produced to Hotfile, in this action, its records regarding all of the takedown notices it sent to Hotfile. Those records show that the takedown notices claimed as wrongful by Hotfile were mostly sent early in 2011, and were all sent by the first week of August 2011. This is unsurprising, as Mr. Kaplan testified at his deposition that Warner ceased sending takedown notices by means of its internal antipiracy system when it began, on or around August 15, 2011, the internal investigation that is the subject of Hotfile's motion to compel.

4. Warner withheld as privileged a report containing analysis of Warner's past takedown notices to Hotfile. The report bears electronic metadata indicating that it was not created until September 5, 2011, further confirming that Warner's investigation postdated the notices that form the basis of Hotfile's Counterclaim.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25th day of November, 2011 in Longmeadow, Massachusetts.



Luke C. Platzer