

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

## CASE NO. 11-CIV-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.,

*Counter-Defendant.* /

**REQUEST OF DEFENDANTS HOTFILE CORPORATION AND  
ANTON TITOV FOR ORAL ARGUMENT ON DEFENDANTS'  
OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION WITH RESPECT TO PLAINTIFF  
WARNER'S MOTION TO "USE" TITOV EXHIBIT 27 IN  
ITS ENTIRETY AT TRIAL OR ON SUMMARY JUDGMENT**

Pursuant to Local Rule 7.1(b), Defendants Hotfile Corporation ("Hotfile") and Anton Titov ("Mr. Titov") (collectively Hotfile and Mr. Titov are "Defendants"), hereby respectfully request that the Court conduct oral argument or hearing on Defendants' Objections to the Report and Recommendation of the Magistrate Judge with Respect to the Motion of Plaintiff Warner Bros. Entertainment Inc. ("Warner"), to "Use" Titov Exhibit 27 in Its Entirety at Trial or on

Summary Judgment. This Court will be engaging in *de novo* review of the Magistrate Judge's Report and Recommendation. Defendants' Objections to the Magistrate Judge's Report and Recommendation concern whether there have been as Defendants contend, violations of this Court's Protective Order, the Federal Rules of Civil Procedure, the Federal Rules of Evidence and Rule 4-4.4(b) of the Florida Rules of Professional Conduct, which govern the conduct of attorneys who appear before this Court.

The *de novo* ruling this Court will make on Defendants' Objections will determine whether Warner is permitted to use in Warner's presently pending motion for summary judgment on Hotfile's counterclaim and at trial, either portions or the whole of a work-product protected document (Titov Exhibit 27), that was inadvertently produced during discovery and withdrawn from production in accordance with the Court's Protective Order. Defendants would like the opportunity to explain these important issues to the Court. This will be Defendants' first opportunity to present these matters to this Court, who previously referred the matters to the Magistrate Judge. Defendants believe that this Court will benefit by having an opportunity to ask questions of counsel for both parties regarding the serious issues raised in Defendants' Objections. Permitting Defendants to have a brief hearing to explain the current state of the law with respect to inadvertent production, which Defendants respectfully contend the Magistrate Judge erred in failing to consider, will save this Court time in rendering a decision on evidentiary and ethical matters that bear on Warner's pending motion for summary judgment on the counterclaim, but also potentially on the conduct of a trial before this Court. Defendants believe that one half hour should suffice for the hearing or oral argument on Defendants' Objections.

**CERTIFICATE OF GOOD FAITH ATTEMPT TO RESOLVE**

I hereby certify that pursuant to Local Rule 7.1(a)(3), prior to filing this motion, counsel for Defendants, Janet T. Munn, communicated with counsel for the Plaintiff Warner Bros. Entertainment Inc., Steven B. Fabrizio, by e-mail and that Plaintiff objects to the Court holding a hearing on Defendants' Objections.

s/ Janet T. Munn

Janet T. Munn, Esq.

DATED: March 5, 2012

Respectfully submitted,

s/ Janet T. Munn

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 5, 2012, a true and correct copy of the foregoing document was served on all counsel of record or pro se parties identified below either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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By: /s/ Janet T. Munn  
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