

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CARRIE MALEC,

Plaintiff,

v.

MTV NETWORKS COMPANY, VIACOM,  
INC., NICOLE "SNOOKI" POLIZZI, JENNI  
"JWOWW" FARLEY, and OTHER  
UNIDENTIFIED EMPLOYEES OF  
CORPORATE DEFENDANTS,

Defendant(s).

No: 10-CV-4092

Judge Grady

Magistrate Nolan

**MOTION TO PRESERVE EVIDENCE**

NOW COMES the PLAINTIFF, by and through attorney, Blake Horwitz, Esq., of the Blake Horwitz Law Firm, Ltd., and hereby moves this Honorable Court to enter an order preserving the evidence set forth in this motion. In support, PLAINTIFF states the following:

1. On or about May 6, 2010, the PLAINTIFF was present at a nightclub in Miami, Florida, where MTV NETWORKS COMPANY and VIACOM, INC. (hereinafter "CORPORATE DEFENDANTS"), by and through their employees, were taping an episode of "Jersey Shore."

2. "Jersey Shore" is a television show broadcast by MTV NETWORKS COMPANY that predominantly exhibits sex, drinking and violence. This up and coming, relatively new program is geared to a young audience and exploits outrageous behavior in a reality show setting. Many of the episodes are filled with scenes involving innocent

civilians that get beaten and battered by cast members, all filmed without intervention by the television crew, with the intention of generating an outrageous “reality” type setting of aggression.

3. PLAINTIFF, who has never seen “Jersey Shore”, willingly participated in a dance with a cast member, not knowing that she was being set up for a beating by other cast members of “Jersey Shore” for the purpose of increasing the television show’s rating.

4. Subsequent to the time PLAINTIFF was dancing with cast member(s), DEFENDANTS NICOLE “SNOOKI” POLIZZI and JENNI “JWOWW” FARLEY, who are “Jersey Shore” cast members, assaulted, battered and physically abused PLAINTIFF, causing bodily injury and severe emotional distress.

5. CORPORATE DEFENDANTS, by and through their employees, captured the entire incident on video in the course of taping the episode of “Jersey Shore” involving PLAINTIFF.

6. PLAINTIFF requests a protective order for the following items relative to this incident:

- a. Any video, audio, or other recordings in the possession, custody, or control of DEFENDANTS related to the allegations in PLAINTIFF’S complaint, including but not limited to the same that were included in the broadcast version of the episodes and any “outtakes,” i.e. video, audio, or other recordings not included in the broadcast version of the episode;
- b. Any video, audio, photographs or other recordings in the possession, custody, or control of DEFENDANTS related to the production of this episode, including but not limited to the same that were included in the broadcast version of the episodes and any “outtakes,” i.e. video, audio, or other recordings not included in the broadcast version of the episode;

- c. Any photographs depicting any individuals or locations involved related to the production of this episode;
- d. Any audio recordings and/or any recorded, written, and/or transcribed communications including, but not limited to, telephonic communications and electronic communications related to the production of this episode;
- e. Any physical objects related to the production of this episode;
- f. All documents and records relating or referring to production of the entire episode of "Jersey Shore" concerning Plaintiff, including, but not limited to, any "script" used for the episode, instructions to cast members regarding the shooting of the episode, and any instructions to the technical crew involved in production of the episode;
- g. Any cell phone records, including, but not limited to, all text messages, photos, video and/or audio recordings, and call records related or referring to the production of this episode; and
- h. Any documents related to or referring to this incident, including but not limited to arrest reports, contact cards, incident reports, and witness contact information.

7. PLAINTIFF further seeks an order that prohibits any alteration, modification and/or change with regard to the aforementioned evidence and any other evidence related to or referring to this incident.

8. PLAINTIFF also seeks turnover of a copy of any video or any videos involving Plaintiff that Defendants possess within 14 days of this order.

### **Compliance with Local Rule 37.2**

9. On July 31, 2010 at approximately 1:15pm, Plaintiff's counsel, Blake Horwitz, spoke with Defense counsel Thomas Koessler of Williams, Montgomery & John, on the telephone. At that time, Blake Horwitz requested that all evidence Defendant had in regards to Plaintiff be preserved until the matter is resolved. Plaintiff also requested

turnover of a copy of the video to allow Plaintiff to name other Defendants in the expected trial. However, Defense counsel gave no such assurance that said evidence would be preserved and additionally did not agree to turnover of video.

WHEREFORE, based on the foregoing, PLAINTIFF respectfully requests that this Court order CORPORATE DEFENDANTS to preserve the above-referenced evidence and refrain from altering and/or modifying same.

Respectfully submitted,

/s/ Blake Horwitz  
Attorney for Plaintiff

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