

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. <u>1:12-cv-01115-TWP-DML</u>
)	
v.)	
)	
KEVIN ETTER, NICHOLAS SHELTON,)	
AARON REYES, HO YEUNG, DAVID)	
WYATT, LEAH JUSTICE, LUCILLE)	
PHILLIPS and JOHN DOES 2, 3 and 5,)	
)	
Defendants.)	
)	

**PLAINTIFF’S EMERGENCY MOTION TO SET A TELEPHONIC STATUS
CONFERENCE AND TO ENJOIN DEFENDANT FROM FILING CERTAIN PAPERS**

Plaintiff moves for the entry of an order setting an Emergency Telephonic Status Conference and enjoining Defendant from filing certain papers, and states:

1. Plaintiff has recently been informed by counsel for Defendant David Wyatt that he intends to file certain documents with the Court. The proposed documents are not relevant to this case. The documents are solely intended to embarrass undersigned. Defendant is threatening to file the offensive documents so that he may gain an unfair advantage in this litigation in violation of Fed. R. Civ. P. 11, 28 U.S.C. § 1927, and possibly one or more bar rules.

2. Undersigned respectfully requests the opportunity to discuss this situation with the Court prior to the offensive documents being filed.

WHEREFORE, Plaintiff respectfully requests this Court enter an order:

- (A) Granting Plaintiff’s Emergency Motion For a Telephonic Status Conference;
- (B) Scheduling a Telephonic Status Conference at the Court’s earliest convenience;

(C) Enjoining Defendant from filing any papers that could be construed as embarrassing to undersigned counsel until after the hearing; and

(D) Granting Plaintiff all such other and further relief as this Court deems just and proper.

Please note: A proposed order is attached hereto for the Court's convenience.

Dated this 16th day of May, 2013

Respectfully submitted,

NICOLETTI & ASSOCIATES, PLLC

By: /s/ Paul J. Nicoletti
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2013 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul J. Nicoletti

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WYATT, LEAH JUSTICE, LUCILLE)	
PHILLIPS and JOHN DOES 2, 3 and 5,)	
)	
Defendants.)	
)	

**ORDER ON PLAINTIFF’S EMERGENCY MOTION TO SET A TELEPHONIC
STATUS CONFERENCE AND TO ENJOIN DEFENDANT FROM FILING
CERTAIN PAPERS**

THIS CAUSE came before the Court upon the Plaintiff’s Emergency Motion to Set a Telephonic Status Conference and to Enjoin Defendant From Filing Certain Papers, and the Court being duly advised in the premises does hereby:

ORDER AND ADJUDGE: Plaintiff’s Emergency Motion is hereby granted. The Court will hold a telephonic status conference on the _____ of May, 2013 at _____ between counsel for Plaintiff and counsel for Defendant David Wyatt. The Court will provide dialing instructions through a separate minute entry. Defendant is enjoined from filing any papers that could be construed as embarrassing to undersigned counsel until after the hearing.

SO ORDERED this ____ day of _____, 2013.

By: _____
UNITED STATES DISTRICT JUDGE