

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MALIBU MEDIA, LLC	:	Case No.: 1:12-cv-01117-WTL-MJD
	:	
Plaintiff,	:	
	:	
v.	:	
MICHAEL HARRISON,	:	
	:	
Defendant.	:	

DEFENDANT’S FINAL WITNESS AND EXHIBITS LIST

Pursuant to the Court’s Case Management Order [Dkt. 175], Defendant Michael Harrison (“Harrison”), by undersigned counsel, submits the following final list of witnesses and exhibits that Harrison presently believes it may introduce at trial. Harrison reserves the right to supplement or amend these lists any time prior to trial.

A. WITNESSES

1. Michael Harrison: Harrison may testify on matters relating to the use and content of his computers, his work schedule and whereabouts during the time the alleged infringements occurred, and the security of his internet at the time of the alleged infringements.

2. Bosaw & Associates LLC: Jason and Edwin Bosaw may testify on matters relating to Harrison’s computer hard drives; Patrick Paige’s reports, declarations, and testimony; evidence provided by Plaintiff in discovery purportedly from IPP International U.G. (“IPP”); evidence contained in Plaintiff’s website and server log files.

3. Benjamin W. Bullard: Mr. Bullard may testify on matters relating to MySQL server log files and network communications.

4. Michael Patzer.

5. Tobais Feiser.
6. Brigham and Colette Field.
7. Alfredo Leon.
8. The “Ecuador Programmers.”
9. Softlayer Technologies.
10. Corporate and media adult entertainment industry character and reputation witnesses.

11. Delvan Neville: Mr. Neville may provide general testimony regarding matters relating to the operation and functionality of the BitTorrent protocol; data collection methods and results relating to infringements using the BitTorrent protocol; and, commentary on network communications and other files in connection with the collection of evidence purporting to show the communications and transfers of files necessary to accomplish the infringements of copyrighted works using the BitTorrent protocol.

12. Additional individuals designated by Plaintiff, revealed in discovery not yet conducted or completed or necessary to respond to witnesses, documents, facts, or opinions not yet disclosed or produced to Harrison.

B. EXHIBITS

1. Malibu’s Responses, including all responsive documents, electronically stored information, and things Malibu provided in response to Harrison’s Requests for Production of Documents, Electronically Stored Information, and Tangible Things.

2. Malibu’s Answers to Harrison’s Interrogatories.
3. Screen shots of movies at issue posted by X-Art on free streaming tube sites.
4. Screen shots of torrent files at issue in this case from torrent websites.

5. Tobais Feiser's Declarations.
6. All evidence provided by Malibu purportedly collected by IPP (PCAP files, MySQL server log files, torrent files, .tar, .tor, .mov, .adi, .mpg, .wmd, and/or similar files, and technical reports).
7. Harrison's employee time records, pay stubs, and other employee records for the alleged period of infringement.
8. Patrick Paige's Computer Forensic Examination Summary Report, Report Exhibits, and Declarations.
9. Plaintiff's six movies at issue in this case.
10. Malibu's written fee agreement with IPP and Malibu's interrogatory responses relating to Malibu's oral contingency fee agreement with IPP.
11. Malibu's state and federal tax returns and profit and loss statements.
12. Malibu's checking account activity documents.
13. Malibu's credit card transaction details documents.
14. DMCA notices sent by Malibu or Malibu's agents, or summary of weekly DMCA notices sent provided by Malibu.
15. Balance statements and other documents evidencing financial transactions and payments between Malibu and IPP.
16. Malibu's articles of organization and operating agreement.
17. Documents evidencing Malibu's payments to "security professionals."
18. Documents relating to and evidencing Malibu's filing approximately 40% of all copyright infringement actions in the United States District Courts, status as a copyright troll, and recognition of Malibu's using the federal court system as a "new business model."

19. Letter to the Honorable Senior United States District Court Judge William M. Nickerson from Comcast Subscriber in Cause No. 1:14-cv-00750.

20. Any prior statements made by Malibu, its witnesses, agents, or attorneys.

21. Malibu agreement between Malibu, Patrick Paige, and M. Keith Lipscomb.

22. Any demonstrative exhibits determined to be helpful to any witness' testimony, including but not limited to matters such as the BitTorrent protocol, the purported data collection methods and processes of IPP, IP address spoofing, and the securitization of internet network connections.

23. Debbie Courtney news story and other media coverage of persons accused by Malibu of downloading its movies without permission or authorization.

24. Responses from Internet Service Providers ("ISPs") to subpoenas and requests issued by Malibu in this case.

25. Original versions of the Plaintiff's movies at issue in this case.

26. Screen shots of the decompressed .tar files labeled "torrents_guarda."

27. Documents relating to the German company, Guardaley.

28. Copies of Harrison's computer hard drives and the partitioned external hard drive containing the computer hard drives provided to Plaintiff and Plaintiff's expert witness, Patrick Paige.

29. Documents and communications relating to the "test" performed by Patrick Paige with respect to IPP's data collection system.

30. Any additional exhibits Harrison discovers and intends to use at trial.

Harrison will supplement or amend his final witness and exhibits list in accordance with the Court's Case Management Order and the Federal Rules of Civil Procedure. Harrison's final

witness and exhibits list does not include witnesses or exhibits Harrison may use for purposes of impeachment or rebuttal.

Respectfully Submitted,

/s/ Gabriel J. Quearry

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Michael Harrison

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2014, 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 the Court's filing system.

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/s/ Gabriel J. Quearry

Attorney for Defendant