

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

MALIBU MEDIA, LLC,	)	
	)	
<i>Plaintiff,</i>	)	Civil Case No. 1:12-cv-01117-WTL-MJD
	)	
v.	)	
	)	
MICHAEL HARRISON,	)	
	)	
<i>Defendant.</i>	)	
_____	)	

**COMCAST’S RESPONSE TO THE COURT’S ORDER DATED DECEMBER 31, 2014**

Comcast Cable Communications, LLP (“Comcast”), by counsel, hereby responds to the Court’s Order of December 31, 2014 [Dkt. 297], with respect to confidentiality of certain information designated confidential by Comcast that has been filed under seal.

In this action Plaintiff Malibu Media, LLC (“Plaintiff”) asserts copyright infringement claims against Defendant Michael Harrison (“Defendant”). Plaintiff sought third-party discovery from Comcast pertaining to Defendant’s Internet account with Comcast. By Order dated September 10, 2014 [Dkt. 227], the Court granted Plaintiff’s motion and thereafter Plaintiff served a subpoena *duces tecum* with 30(b)(6) deposition notice (“Subpoena). Following an exchange of correspondence and then by agreement, on October 29, 2014, Comcast produced account records, DMCA notices, and bandwidth usage relating to Defendant and designated Colin Padgett as the witness for deposition. Comcast designated the documents as confidential under the Protective Order entered on April 29, 2014.

Mr. Padgett sat for a video deposition on November 5, 2014 at 11:00 am at Novak Legal Video in Cherry Hill, New Jersey. During the course of the deposition Comcast and the parties

agreed that the entirety of the transcript be designated confidential with the condition that Comcast would reasonably agree to remove such designation from portions of the transcript or documents that either Plaintiff or Defendant requested for use in publicly filed motion(s) in this proceeding. As requested by both Plaintiff and Defendant, Comcast agreed to remove its claims of confidentiality from portions of the transcript and documents.

As the Court directed, Comcast has reviewed those portions of “Defendant’s Brief in Response to Plaintiff’s Motion [for] Summary Judgment” and accompanying exhibits, [Dkt. 296] (“Defendant’s Brief”) that Defendant’s counsel represented contain Comcast’s information, specifically the Statement of Material Facts, paragraphs 53-56 and the first two paragraphs of Part B on p. 21. Although Comcast disagrees with the Defendant’s conclusions, Comcast finds that none of those sections needs to be filed under seal as they cite or refer to parts of Mr. Padgett’s deposition that either Comcast previously agreed to release from confidentiality, or that otherwise make no further disclosure of any information or documents harmful to Comcast. Accordingly, Comcast is not filing any redacted or unredacted copies of Defendant’s Brief.

Respectfully submitted,

s/Andrew W. Hull

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on January 21, 2015.

*s/Andrew W. Hull*