

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

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MALIBU MEDIA, LLC, :
 :
 : Civil Action No. 4:15-cv-2281
Plaintiff, :
 :
 : (Chief Judge Conner)
vs. :
 :
 :
JOHN DOE subscriber assigned IP address :
71.58.216.197, :
 :
 :
Defendant. :
 :
 :
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**DEFENDANT’S MOTION TO DISQUALIFY PLAINTIFF’S COUNSEL
AND MOTION TO STAY ALL PROCEEDINGS**

Defendant respectfully moves this court to enter an Order disqualifying Christopher Fiore, Esq., and his law firm from representation of Plaintiff, Malibu Media, LLC.

1. Plaintiff, Malibu Media, LLC., is the most prolific filer of copyright infringement claims in the United States.
2. Plaintiff, through its counsel, has created a business model out of filing suits against identified “John Does” in order to extract large settlements beyond Plaintiff’s actual damages.

3. With each Complaint, including the instant action, Plaintiff files a
“Declaration of Colette Peliffier Field in Support of Plaintiff’s Motion for
Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference”
(Document 7-1 filed 12/01/15).
4. Each of the thousands of filed declarations contain material false
statements to the court, misrepresenting the extent they have authorized
third parties to distribute their work without restriction.
5. Upon information and belief, Plaintiff has denied and/or failed to disclose
material facts and thus, has committed potential perjury in at least two
other federal courts and it is reasonably expected that additional failures
to disclose material facts will be discovered in other Federal jurisdiction.
6. Due to the systemic and repetitive nature of Plaintiff’s en-mass litigation
practices, Attorney Fiore knew, or reasonably should have known, of the
fraudulent, deceptive, and corrupt business practices.
7. The act of filing the Complaint is an integrated event in Plaintiff’s
fraudulent, deceptive, and corrupt business model.
8. Attorney Fiore has appeared before this court on similar matters which
all included the same false statement to the Court.

9. Attorney Fiore is expected to be named as a co-defendant in the Counterclaims brought against the Plaintiff by the Movant under Federal and State claims.
10. Due to the pan-national nature of Plaintiff's business model, the false statements of record have been entered in numerous jurisdictions, and the reasonable belief of perjury and/or material misrepresentation of fact committed in two other Federal Courts, all of Plaintiff's previous legal representatives are potentially co-conspirators or, at minimum, material witnesses.
11. In order to not cause undue delay in the instant proceedings, Defendant requests the disqualification of Attorney Fiore to occur now so as not to cause a greater delay further into the proceedings.
12. Plaintiff should have an opportunity to seek alternative counsel now, knowing that Plaintiff's current counsel, Attorney Fiore, will be named as a co-defendant in the counterclaims brought against Plaintiff.
13. While it is understandable that the Court is reluctant to disqualify an attorney, the circumstances presented herein differ in that Plaintiff's business model uses the Federal Courts as a profit machine.
14. Nothing in the associated order would preclude attorney Fiore from Defending himself in the counterclaims, only Malibu Media, LLC.

WHEREFORE, Defendant respectfully requests Christopher Fiore, Esq., and his law firm be disqualified from representing Plaintiff, Malibu Media, LLC., in the instant proceedings and all proceedings are stayed until Plaintiff has had an opportunity to secure substitute counsel.

Dated: February 18, 2016

Respectfully submitted,



Aaron Brooks PA# 207801
Attorney for the Defendant
765 Beaver Branch Rd.
Pennsylvania Furnace, PA
16865
(814) 852-8264
ATB15@psu.edu