

PODCAST

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Malibu Media Sanctioned Again For Bogus Copyright Abuse & Intimidation

from the *start-adding-them-up* dept

Back in September, we wrote about porn trolling company Malibu Media getting sanctioned for its ridiculous use of "Exhibit C" in its legal filings against people it accused of unauthorized downloads of porn content that it held the copyright on. Exhibit C was a completely useless exhibit that had nothing to do with the actual case at hand, but listed out other content that Malibu insisted the same person was downloading. None of the titles listed in Exhibit C were content where Malibu Media held the copyright. Instead, it was almost always titles of porn videos that would be considered very embarrassing for some people. The obvious intention: scare people into settling early to avoid having their names attached to a federal lawsuit where the records showed a long list of explicitly named movies that someone had downloaded. The court in the Western District of Wisconsin sanctioned Malibu's lawyers \$200 per case, for a total of \$2,200.

Now, in a similar finding over in the Eastern District of Wisconsin, Judge Rudolph Randa has basically found the same thing and piled another \$600 in sanctions for three cases in that district onto Malibu Media. Another \$600 is pocket change of course, but there are a ton more of these cases out there, and if more and more courts start recognizing the game that Malibu is playing... we could be in for another Prenda-like domino effect. The court makes it clear that it recognizes that Malibu Media is abusing the judicial process to try to convince people to pay up. Hopefully more courts will begin to recognize this as well.

Copyright by Mike Masnick Fri, Dec 13th 2013 5:29pm

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Filed Under: exhibit c, sanctions Companies: malibu media

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MALIBU MEDIA, LLC,
Plaintiff,
-vs- Case No. 13-C-536
**JOHN DOE, subscriber assigned
IP address 184.58.186.212,**
Defendant.

MALIBU MEDIA, LLC,
Plaintiff,
-vs- Case No. 13-C-544
**JOHN DOE, subscriber assigned
IP address 97.83.171.176**
Defendant.

MALIBU MEDIA, LLC,
Plaintiff,
-vs- Case No. 13-C-779
**JOHN DOE, subscriber assigned
IP address 174.103.170.157**

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DECISION AND ORDER

Case 2:13-cv-00536-RTR Filed 12/12/13 Page 1 of 11 Document 34

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- When Sued By A Copyright Troll, Using The 'Blame The Torrent Site And Also I Don't Speak English' Defense Is Really Dumb

Dark Helmet: There are compromises in democracies, where you don't always get your way in representative government. Killing people shouldn't be one of those compromises.

cypherspace: on the subject of the death penalty...looks like the nebraska state legislature voted to outlaw it. probably will get vetoed but I think the vote has enough to override it

Ninja: That's nice cypher. Hope more places follow it.

yaga: That's the great thing DH, or was the great thing about the US - you're supposed to be able to have these discussions. Obviously, I think that anyone against the death penalty must have done something that they think can

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- That One Guy (profile),** Dec 13th, 2013 @ 4:22pm insightful funny report

Ah those double standards...

A *whopping* \$200 fine for attempted extortion, sure must be nice to be a scum-bag lawyer, even when they get caught they barely get a slap on the wrist.

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- Anonymous Coward,** Dec 13th, 2013 @ 5:55pm insightful funny report

Should be more like 20K and 2 years hard labor per attempted extortion

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- Anon E. Mous (profile),** Dec 13th, 2013 @ 5:58pm insightful funny report

Techdirt Reading List

- Copyright's Paradox**
Neil Weinstock Netanel (Paperback - Apr 23, 2010)
\$23.95 ★★★★★
- Hacking the Future: Privacy, Identity, ...**
Cole Stryker (Hardcover - Sep 13, 2012)
\$19.27 ★★★★★
- Year Zero: A Novel**
Rob Reid (Hardcover - Jul 10, 2012)
\$0.01 ★★★★★
- The Pirate's Dilemma: How Youth Cult...**
Matt Mason (Paperback - May 5, 2009)
\$17.09 ★★★★★



This has never been about protecting someone works, this is all about the settlement game. While Malibu will follow thru on some cases, they like Prenda before them are hoping you are just going to settle.

This is basically extortion and blackmail in a legal forum, take the courts out of it and you have what it really is.

The fact that Malibu has an actual client that isn't a figment of John Steel's imagination or someone who looked after his dog is the difference maker on that front.

But this is the same thing Prenda was doing which is use the courts to extract settlements from people with the threat of a lawsuit. Honestly they are no better than Prenda.

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6.  **That One Guy (profile)**, Dec 13th, 2013 @ 6:10pm

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Re:

And you wonder why you get reported... back to time-out for you.

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7.  **Anonymous**, Dec 13th, 2013 @ 6:16pm

[insightful](#) [funny](#) [report](#)

Re: So, the legal system (eventually, sorta) works against copyright abuse...

The spread of violence caused by video games? I've played a lot of video games over the years, and none of them have ever gotten violent with me...at least, not in the real world. But what would you know of the real world?

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8.  **Anonymous Coward**, Dec 13th, 2013 @ 6:22pm

[insightful](#) [funny](#) [report](#)

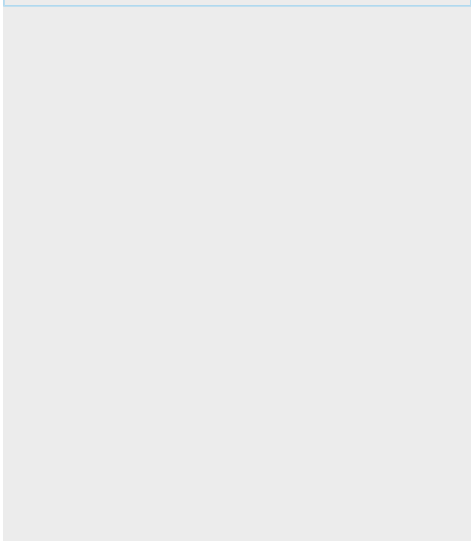
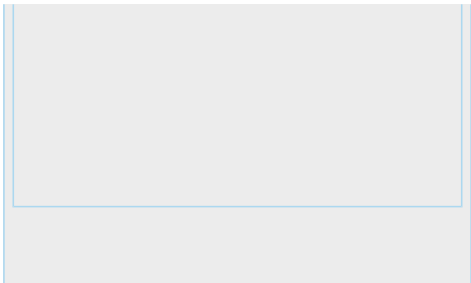
Re: Ah those double standards...

While Malibu owners Brigham and Colette bought a mansion that costs 16,000,000 in June 2013...

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9. **sophisticatedjanedoe (profile)**, Dec 13th, 2013 @ 6:34pm

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- As I have had care about privacy and such, most of the time I'm too lazy to bother doing the work to set that stuff up in a robust manner.
- 03:59 Meanwhile, In Japan: More Arrests For Cheating At Video Games (25)

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Friday



I'd like to see the "x-art" tag added to this story and other related stories. Calling plaintiff "Malibu Media" is exactly what it wants: this "company" was created with a sole purpose of filing shakedown lawsuits, and therefore to shield the actual pornographer from unwanted publicity.

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10. sophisticatedjanedoe ([profile](#)), Dec 13th, 2013 @ 7:30pm

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I love Judge Randa's style: no emotions, no harsh words, but intelligently, calmly, thoroughly explaining Lipscomb and his "plaintiffs" what pieces of shit they are.

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11. Anonymous Coward, Dec 13th, 2013 @ 8:31pm

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Re: Re: Ah those double standards...

Hey, to be fair, they could have afforded the mansion that cost \$32,000,000 if not for piracy.

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13. Anonymous Coward, Dec 13th, 2013 @ 9:10pm

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the bulk of porn really doesn't deserve copyright protection.

the minority that is worthy is utterly bizarre and typically from Japan

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14. That Anonymous Coward ([profile](#)), Dec 14th, 2013 @ 12:29am

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And don't forget their star witnesses who shows up in court to cry on demand about how ripped off they are admitted that she infringed copyrights and "stole" from other artists.

Is she willing to hand over thousands to those artists she stole from?

I guess it is only a bad thing when it happens to her, not when she does it.

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15. The Wanderer ([profile](#)), Dec 14th, 2013 @ 9:34am

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Re: Re:

I'm not even entirely sure what he's talking about. My best guess is that he's trying for a "Chicken Little" reference, but if so, he's doing it wrong.

To reference an established phrase while changing the words, especially if it's a short phrase, it works much better if you can keep the scansion the same. In this case, "Little" has two syllables, but "Mike" only has one, so the modified version doesn't scan the same way as the original.

It would work much better to use "Masnick" instead; that has two syllables, so it would keep the rhythm of "Chicken Little", and be much more likely to have people recognize what is meant.

Still very much worthy of reporting either way, of course.

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16. Andrew Norton ([profile](#)), Dec 14th, 2013 @ 11:20am

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Re: So, the legal system (eventually, sorta) works against copyright abuse...

As a former Robotics engineer what's so alarming about Google's foray?

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17. That One Guy ([profile](#)), Dec 14th, 2013 @ 12:06pm

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Re: Re: Re:

You're over thinking it, that was AJ, who honestly thinks that making barnyard animal noises is a valid form of criticism and commentary.

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18.  **The Wanderer** ([profile](#)), Dec 14th, 2013 @ 12:16pm [insightful](#) [funny](#) [report](#)

Re: Re: Re: Re:

I know who it is - I was trying to be amusing, by intentionally overanalyzing it. My comment wasn't really directed at him, per se.

Plus I really am not sure what he's trying to say, et cetera, see previous post.

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19.  **Mike Acker** ([profile](#)), Dec 14th, 2013 @ 1:17pm [insightful](#) [funny](#) [report](#)

RICO

sue the bitches under RICO for extortion

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20.  **That One Guy** ([profile](#)), Dec 14th, 2013 @ 3:22pm [insightful](#) [funny](#) [report](#)


Re: Re: Re: Re: Re:

Fair enough, kinda hard to tell sometimes what's meant as a joke and what's meant seriously, especially for something meant to be humorous in a more subtle fashion like that.

As for the second, 'I'm off my meds, please ignore/report me', or something like that I'd guess.

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22.  **Anonymous Coward**, Nov 14th, 2014 @ 12:36am [insightful](#) [funny](#) [report](#)

average_joe just hates it when due process is enforced.

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), all other allowable HTML will remain intact
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 <blockquote> <hr> <tt>

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