

1 SANFORD L. MICHELMAN, ESQ., SBN 179702

2 ([smichelman@mrlp.com](mailto:smichelman@mrlp.com))

3 MONA Z. HANNA, ESQ., SBN 131439

4 ([mhanna@mrlp.com](mailto:mhanna@mrlp.com))

5 JESSE J. CONTRERAS, ESQ., SBN 190538

6 ([jcontreras@mrlp.com](mailto:jcontreras@mrlp.com))

7 MICHELMAN & ROBINSON, LLP

8 15760 Ventura Boulevard, 5<sup>th</sup> Floor

9 Encino, CA 91436

10 Telephone: (818) 783-5530

11 Facsimile: (818) 783-5507

12 *Attorneys for Defendants Rightscorp, Inc., Christopher Sabec,*  
13 *Robert Steele, Craig Harmon, Dennis J. Hawk*  
14 *and Warner Bros. Entertainment Inc.*

15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**

17 John Blaha,\* individually and on behalf  
18 of others similarly situated,

19 Plaintiffs,

20 v.

21 Rightscorp, Inc., a Nevada Corporation,  
22 formerly known as Stevia Agritech  
23 Corp.; Rightscorp, Inc., a Delaware  
24 Corporation; Christopher Sabec, an  
25 individual; Robert Steele, an individual;  
26 Craig Harmon, an individual; Dennis J.  
27 Hawk, an individual; BMG Rights  
28 Management (US) LLC; Warner Bros.  
Entertainment Inc.; and John Does 1  
to 10,

Defendants.

[\*Previously captioned with Karen J.  
Reif and Isaac Nesmith as lead plaintiffs]

Case No.: 2:14-cv-9032-DSF-(JCGx)

Assigned to: Hon. Dale S. Fischer  
United States District Judge

**DEFENDANT WARNER BROS.  
ENTERTAINMENT INC.'S  
NOTICE OF MOTION AND  
MOTION TO STRIKE SECOND  
CAUSE OF ACTION PURSUANT  
TO CAL. CIV. PROC. CODE §  
425.16 AND TO DISMISS  
PLAINTIFFS' SECOND CAUSE OF  
ACTION PURSUANT TO FRCP  
RULE 12(b)(6)**

Date: May 11, 2015  
Time: 8:30 a.m.  
Courtroom: 840

Complaint Filed: November 21, 2014  
Trial Date: Not yet set

1           **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2           **PLEASE TAKE NOTICE** that on May 11, 2015, at 8:30 a.m., or as soon  
3 thereafter as the matter may be heard before Honorable Dale S. Fischer, located at  
4 Courtroom 840, United States District Court, 255 East Temple Street, Los Angeles  
5 California 90012-1565, Defendant Warner Bros. Entertainment Inc. (“Defendant”)  
6 will and hereby does move for an Order striking Plaintiff’s Second Cause of  
7 Action pursuant to California Code of Civil Procedure § 425.16, and dismissing  
8 with prejudice Plaintiff’s Second Cause of Action for Abuse of Process pursuant to  
9 Federal Rules of Civil Procedure 12(b)(6) on the ground that Plaintiff’s claim fails  
10 as a matter of law.

11           Specifically, Plaintiff’s claim impermissibly challenges Defendant’s  
12 petitioning conduct, which is protected under California’s anti-SLAPP statute. The  
13 Second Cause of Action is further barred as a matter of law because: (1) the  
14 subpoena complained of was used to identify a copyright infringer — which is the  
15 express purpose of DMCA subpoenas as interpreted by the courts of this Circuit —  
16 and therefore does not constitute an “abuse” of process; and (2) the conduct  
17 complained of is protected under the litigation privilege under Cal. Civ. Code  
18 §47(b). Accordingly, Plaintiff’s Second Cause of Action should be stricken or,  
19 alternatively, dismissed.

20           This Motion is identical to “Defendants’ Notice of Motion and Motion to  
21 Strike Second Cause of Action Pursuant to Cal. Civ. Proc. Code § 425.16 and to  
22 Dismiss Plaintiffs’ Second Cause of Action in Their First Amended Complaint  
23 Pursuant To FRCP Rule 12(b)(6)” filed on March 30, 2015 (Dkt. No. 30) (the  
24 “Rightscorp Motion”) and seeks the same relief. Defendant hereby joins and  
25 adopts as its own all arguments offered in support of the Rightscorp Motion, as set  
26 forth in the memorandum of points and authorities filed in support of the  
27 Rightscorp Motion (Dkt. No. 30-1).

28           This Motion is made following conference of counsel pursuant to L.R. 7-3,

1 which occurred on April 2, 2015.

2 This Motion is based on this Notice of Motion and Motion, the  
3 accompanying Memorandum of Points and Authorities which incorporates by  
4 reference all arguments asserted in the memorandum of points and authorities filed  
5 in support of the Rightscorp Motion (Dkt. No. 30-1), the Declaration of Jesse  
6 Contreras filed on March 30, 2015 (Dkt. No. 30-2), all pleadings, records and  
7 papers filed in this action, the argument of counsel, any supplemental memoranda  
8 that may be filed by the parties, and such further evidence as the Court may  
9 consider at or before the hearing of this Motion.

10  
11 Dated: April 3, 2015

**MICHELMAN & ROBINSON, LLP**

12  
13 By: /S/ Jesse J. Contreras  
14 Sanford L. Michelman, Esq.  
15 Mona Z. Hanna, Esq.  
16 Jesse J. Contreras, Esq.  
17 Kristen Peters, Esq.  
18 Attorneys for Defendants  
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