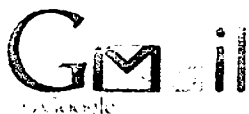


# **EXHIBIT 1**



Morgan Pietz <morganpietz@gmail.com>

**Service of Process**

Mail Delivery Subsystem <mailer-daemon@googlemail.com>  
To: morganpietz@gmail.com

Sun, Jun 23, 2013 at 3:50 PM

Delivery to the following recipient failed permanently:

johnlstele@gmail.com

Technical details of permanent failure:

The email account that you tried to reach does not exist. Please try double-checking the recipient's email address for typos or unnecessary spaces. Learn more at <http://support.google.com/mail/bin/answer.py?answer=6596>

----- Original message -----

MIME-Version: 1.0

X-Received: by 10.52.180.136 with SMTP id do8mr8610759vdc.111.1372027836619;  
Sun, 23 Jun 2013 15:50:36 -0700 (PDT)

Sender: morganpietz@gmail.com

Received: by 10.220.171.4 with HTTP; Sun, 23 Jun 2013 15:50:36 -0700 (PDT)

Date: Sun, 23 Jun 2013 15:50:36 -0700

X-Google-Sender-Auth: 18s7BE66JenHfNLCskmrNF6e0Zc

Message-ID: <CACE15=+-NBNIUHGNdkc3zEwsWyxUKMUMKH44X9m2-3BcPOHK9w@mail.gmail.com>

Subject: Service of Process

From: "Morgan E. Pietz" <mpietz@pietzlawfirm.com>

To: johnlstele@gmail.com

Cc: Nicholas Ranallo <nick@ranallolawoffice.com>,

"Heather L. Rosing" <HRosing@klinedinstlaw.com>, Brett Gibbs <brett.gibbs@gmail.com>,

Paul Hansmeier <prhansmeier@thefirm.mn>, Prenda <paduffy@wefightpiracy.com>,

"Philip W. Vineyard" <PVineyard@klinedinstlaw.com>, "Rudolph, Leslie" <ludolph@pietzlawfirm.com>

Content-Type: multipart/alternative; boundary=bcaec5171e51d2e39d04dfda1f26

Mr. Steele,

I am catching up on some work here today, and just saw your latest Friday motion, and the denial thereof that followed hard on its heels.

Previously, all parties were registered for ECF and received copies of all pleadings that way. However, it does appear that since you and your colleagues went pro se, you are no longer getting ECF notices.

Had you alerted us to the problem, we'd have been happy to get that taken care of for you. I will let my assistant know to make sure to use your registered address for paper service copies going forward. Since fees for the service copies are likely to be taxed as part of the bond your team has posted, just let us know if you'd like us to serve you via this email, to save you the expense.

In fact, I might propose that to all the pro se Prenda parties appearing on this email chain who are not registered for ECF -- for both the district court action, and the 8 appeals to the Ninth Circuit, shall we stipulate to email service? Please let me know.

Best regards,  
Morgan

--

Morgan E. Pietz  
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Manhattan Beach, CA 90266  
mpietz@pietzlawfirm.com  
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www.pietzlawfirm.com <<http://www.pietzlawfirm.com/>>

## **EXHIBIT 2**



Morgan Pietz <morganpietz@gmail.com>

**Ingenuity 13, LLC v. John Doe**

7 messages

Philip W. Vineyard <PVineyard@klinedinstlaw.com> Tue, Jun 11, 2013 at 7:03 PM  
To: "Morgan E. Pietz (mpietz@pietzlawfirm.com)" <mpietz@pietzlawfirm.com>, "johnsteele@gmail.com" <johnsteele@gmail.com>, "prhansmeier@thefirm.mn" <prhansmeier@thefirm.mn>, "nick@ranallolawoffice.com" <nick@ranallolawoffice.com>, "brett.gibbs@gmail.com" <brett.gibbs@gmail.com>  
Cc: "Heather L. Rosing" <HRosing@klinedinstlaw.com>, David Majchrzak <DMajchrzak@klinedinstlaw.com>, "Denise M. Carrillo" <DCarrillo@klinedinstlaw.com>

Counsel,

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The bases for the Appeal and Motion are the following:

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play.”).

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Prenda Law will request a stay of enforcement of the district court’s Amended Order as the Ninth Circuit considers Prenda Law’s emergency motion. If you intend to oppose Prenda Law’s motion, please so inform this office as soon as possible. I shall be in San Jose all day tomorrow on another matter and will have limited access to my computer facilities; therefore, I shall spend Thursday on the applicable motion and shall forward it as soon as practicable. Please let us know if you have any questions.

Regards,

Philip W. Vineyard

Attorney

213.406.1100, ext. 3353

213.406.1101 (fax)

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Los Angeles, CA 90017

[pvineyard@klinedinstlaw.com](mailto:pvineyard@klinedinstlaw.com)

[www.klinedinstlaw.com](http://www.klinedinstlaw.com)

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Legal Assistant: Denise Carrillo

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To: "Philip W. Vineyard" <PVineyard@klinedinstlaw.com>  
Cc: "johnsteele@gmail.com" <johnsteele@gmail.com>, "prhansmeier@thefirm.mn" <prhansmeier@thefirm.mn>, "nick@ranallolawoffice.com" <nick@ranallolawoffice.com>, "brett.gibbs@gmail.com" <brett.gibbs@gmail.com>, "Heather L. Rosing" <HRosing@klinedinstlaw.com>, David Majchrzak <DMajchrzak@klinedinstlaw.com>, "Denise M. Carrillo" <DCarrillo@klinedinstlaw.com>

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**Philip W. Vineyard** <PVineyard@klinedinstlaw.com> Wed, Jun 12, 2013 at 12:12 AM  
To: "Morgan E. Pietz" <mpietz@pietzlawfirm.com>  
Cc: "johnsteele@gmail.com" <johnsteele@gmail.com>, "prhansmeier@thefirm.mn" <prhansmeier@thefirm.mn>, "nick@ranallolawoffice.com" <nick@ranallolawoffice.com>, "brett.gibbs@gmail.com" <brett.gibbs@gmail.com>, "Heather L. Rosing" <HRosing@klinedinstlaw.com>, David Majchrzak <DMajchrzak@klinedinstlaw.com>, "Denise M. Carrillo" <DCarrillo@klinedinstlaw.com>

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Sent from my iPhone

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Mr. Vineyard,

I asked a simple question which you have not yet answered: what is the date by which you are seeking relief? The normal 10-day response deadline specified in Circuit Rule 27 generally does not apply to "emergency" motions. Rather, the motions unit usually sets a deadline *depending on the date by which the emergency relief is being requested* – hence my query. Please advise.

Again, you should also let the motions unit know this information, immediately.

Best regards,  
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Fx: (310) 546-5301  
www.pietzlawfirm.com

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**Philip W. Vineyard** <PVineyard@klinedinstlaw.com> Fri, Jun 14, 2013 at 9:54 AM  
To: "Morgan E. Pietz (mpietz@pietzlawfirm.com)" <mpietz@pietzlawfirm.com>, "JohnSteele@gmail.com" <johnsteele@gmail.com>, "Paul Hansmeier (prhansmeier@thefirm.mn)" <prhansmeier@thefirm.mn>, "Nicholas Ranallo (nick@ranallolawoffice.com)" <nick@ranallolawoffice.com>, "brett.gibbs@gmail.com" <brett.gibbs@gmail.com>  
Cc: "Heather L. Rosing" <HRosing@klinedinstlaw.com>, David Majchrzak <DMajchrzak@klinedinstlaw.com>, "Denise M. Carrillo" <DCarrillo@klinedinstlaw.com>

All interested parties and their counsel of record.

Attached is the pre-executed version of Prenda Law's emergency motion to the Ninth Circuit concerning the subject matter discussed in the earlier e-mails found below. We anticipate the executed version of the motion will be filed with the Ninth Circuit by the end of the day today, at which time you will also be served with the motion. For those of you without ECF privileges, we shall e-mail a copy of the executed motion for your review. Please let us know if you have any questions.

Regards,

Philip W. Vineyard

Attorney

213.406.1100, ext. 3353

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San Diego \* Santa Ana \* Los Angeles \* Sacramento

Legal Assistant: Denise Carrillo

dcarrillo@klinedinstlaw.com

**From:** Philip W. Vineyard

**Sent:** Tuesday, June 11, 2013 7:04 PM

**To:** Morgan E. Pietz (mpietz@pietzlawfirm.com); johnsteele@gmail.com; prhansmeier@thefirm.mn; nick@ranallolawoffice.com; brett.gibbs@gmail.com

**Cc:** Heather L. Rosing; David Majchrzak; Denise M. Carrillo

**Subject:** Ingenuity 13, LLC v. John Doe

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2. An order modifying the district court's Amended Order to exclude opposing counsel Morgan Pietz's prospective attorneys' fee incurred during the appeal as a basis for setting the amount of the FRAP Rule 7 appellate costs bond; and/or
3. An order consolidating Prenda Law's appeal of the district court's Amended Order with Prenda Law's underlying appeal of the district court's OSC sanctions order.

The bases for the Appeal and Motion are the following:



1. The district court's reliance on the Copyright Act as a basis for its order instructing appellants to post a second bond covering John Doe's attorneys' fees incurred during appeal is unlawful, because the original copyright action was dismissed without prejudice pursuant to FRCP Rule 41(a)(1). As such, the district court no longer has jurisdiction by which to award attorneys' fees pursuant to the Copyright Act. Further, a dismissal without prejudice is not a ruling on the merits; thus, the Copyright Act's prevailing party attorneys' fees provision cannot be invoked. See Azizian v. Federated Dep't Stores, Inc., 499 F.3d 950, 958 (9<sup>th</sup> Cir. 2007) ("the term 'costs on appeal' in Rule 7 includes all expenses defined as "costs" by an **applicable** fee-shifting statute, including attorney's fees.") (bold is this author's emphasis); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077-78 (9<sup>th</sup> Cir. 1999) ("The [filing of notice (of dismissal)] itself closes the file. There is nothing the defendant can do to fan the ashes of that action into life and the court has no role to play.").

2. The district court has exceeded its authority in permitting a non-party to execute on the bonds while the appeals are still pending.

Prenda Law will request a stay of enforcement of the district court's Amended Order as the Ninth Circuit considers Prenda Law's emergency motion. If you intend to oppose Prenda Law's motion, please so inform this office as soon as possible. I shall be in San Jose all day tomorrow on another matter and will have limited access to my computer facilities; therefore, I shall spend Thursday on the applicable motion and shall forward it as soon as practicable. Please let us know if you have any questions.

Regards,

Philip W. Vineyard

Attorney

213.406.1100, ext. 3353

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Los Angeles, CA 90017

[pvineyard@klinedinstlaw.com](mailto:pvineyard@klinedinstlaw.com)

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 9th Circuit\_ Emergency Motion (316-2356)-c.DOC  
101K

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**John Steele** <johnsteele@gmail.com> Fri, Jun 14, 2013 at 10:20 AM  
To: "Philip W. Vineyard" <PVineyard@klinedinstlaw.com>  
Cc: "Morgan E. Pietz (mpietz@pietzlawfirm.com)" <mpietz@pietzlawfirm.com>, "Paul Hansmeier (prhansmeier@thefirm.mn)" <prhansmeier@thefirm.mn>, "Nicholas Ranallo (nick@ranallolawoffice.com)" <nick@ranallolawoffice.com>, "brett.gibbs@gmail.com" <brett.gibbs@gmail.com>, "Heather L. Rosing" <HRosing@klinedinstlaw.com>, David Majchrzak <DMajchrzak@klinedinstlaw.com>, "Denise M. Carrillo" <DCarrillo@klinedinstlaw.com>

Philip,

Great motion.

On page 5, I want to take issue with the bottom of the page, right before foot note 23. No one that I am aware of (on our side) stated that Prenda or anyone else had a policy of demanding a settlement amount just low enough to avoid legal action. This is something the bad guys always claim.

On Fri, Jun 14, 2013 at 12:54 PM, Philip W. Vineyard <PVineyard@klinedinstlaw.com> wrote:

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**From:** Philip W. Vineyard  
**Sent:** Tuesday, June 11, 2013 7:04 PM  
**To:** Morgan E. Pietz (mpietz@pietzlawfirm.com); johnlstele@gmail.com; prhansmeier@thefirm.mn; nick@ranallolawoffice.com; brett.gibbs@gmail.com  
**Cc:** Heather L. Rosing; David Majchrzak; Denise M. Carrillo  
**Subject:** Ingenuity 13, LLC v. John Doe

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Philip W. Vineyard <PVineyard@klinedinstlaw.com>

Fri, Jun 14, 2013 at 10:23 AM

To: John Steele <johnsteele@gmail.com>

Cc: "Morgan E. Pietz (mpietz@pietzlawfirm.com)" <mpietz@pietzlawfirm.com>, "Paul Hansmeier (prhansmeier@thefirm.mn)" <prhansmeier@thefirm.mn>, "Nicholas Ranallo (nick@ranallolawoffice.com)" <nick@ranallolawoffice.com>, "brett.gibbs@gmail.com" <brett.gibbs@gmail.com>, "Heather L. Rosing" <HRosing@klinedinstlaw.com>, David Majchrzak <DMajchrzak@klinedinstlaw.com>, "Denise M. Carrillo" <DCarrillo@klinedinstlaw.com>

Thanks, John. I shall amend the motion to reflect this perspective.

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**From:** John Steele [mailto:johnsteele@gmail.com]

**Sent:** Friday, June 14, 2013 10:21 AM

**To:** Philip W. Vineyard

**Cc:** Morgan E. Pietz (mpietz@pietzlawfirm.com); Paul Hansmeier (prhansmeier@thefirm.mn); Nicholas Ranallo (nick@ranallolawoffice.com); brett.gibbs@gmail.com; Heather L. Rosing; David Majchrzak; Denise M. Carrillo

**Subject:** Re: FW: Ingenuity 13, LLC v. John Doe

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