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6 IN THE UNITED STATES DISTRICT COURT FOR THE
7 CENTRAL DISTRICT OF CALIFORNIA

9 INGENUITY13 LLC,)
10)
Plaintiff,)
11 v.)
12 JOHN DOE)
13)
Defendant.)
14 _____)

No. 2:12-cv-08333-ODW-JC

**PLAINTIFF’S OPPOSITION TO
ANONYMOUS JOHN DOE MOVANT’S
REQUEST FOR LEAVE TO FILE AN
OPPOSITION TO PLAINTIFF’S MOTION
FOR DISQUALIFICATION OF
HONORABLE JUDGE OTIS D. WRIGHT**

15 An anonymous John Doe Movant claiming to be the “Putative John Doe in 2:12-cv-
16 08333-ODW-JC” has filed a Request for Leave to File an Opposition to Plaintiff’s Motion
17 for Disqualification of Honorable Judge Otis D. Wright II. (ECF No. 38 at 1.) Thus far,
18 Attorney Morgan Pietz has submitted filings in approximately twenty cases in the Central
19 District on the basis of the fact that he represents the putative John Doe in this case.
20 However, Mr. Pietz has not offered a single shred of evidence to support this assertion. As it
21 stands, Mr. Pietz could very well be intervening in all of these cases for his own ends, with
22 no real client that he is defending. If Mr. Pietz wishes to contest the plain, unambiguous
23 evidence of bias that Plaintiff has demonstrated in its Motion for Disqualification, then Mr.
24 Pietz should have to submit evidence that he is, in fact, representing the actual individual he
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1 claims to represent, and *not* merely inserting himself into cases on the pretense of
2 representing that individual.

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4 This concern is particularly relevant to the instant Cause, wherein Plaintiff has
5 asserted that the judge assigned to the instant action is biased and should be disqualified. Mr.
6 Pietz has demonstrated repeated hostility toward Plaintiff and toward the undersigned, and,
7 as such, would have sufficient motive to interfere with Plaintiff’s cases without the *formality*
8 of actually having a client involved in the instant litigation. For the reasons contained herein,
9 the “putative John Doe in 2:12-cv-08333-ODW-JC” could be an invention of Mr. Pietz, and
10 Mr. Pietz should thus be required to submit evidence that he actually represents the
11 individual whom he claims to represent.
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14 Second, Mr. Pietz states that his “request is occasioned because it is not clear whether
15 the Disqualification Motion is being made on an *ex parte* basis or not—it does not comply
16 with any of the required *ex parte* procedures mandated by Local Rule.” (ECF No. 38, pg. 2.)
17 Further, he points out that there was no hearing date set for this motion. Mr. Pietz appears
18 very confused about the disqualification procedure. It seems that Mr. Pietz is not familiar
19 with the Court’s Rules and/or General Order 08-05, something that he should have been
20 familiar with when applying to practice in this district. First of all, as pointed out above, a
21 *non-party* has no right to interject its response in any matter. Second, should he interject, he
22 should at least try to do some nominal research to ensure that he is correct in his arguments.
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24 Per the procedures laid out in General Order 08-05, the Motion made here was “referred to
25 the Clerk for random assignment to another judge.” In other words, at the time of filing the
26 Motion, Plaintiff had no idea as to who the “another judge” would be. In other words, it was
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1 up to the new judge to assign, if necessary, a hearing in the case. Plaintiff could not notice a
 2 hearing in front of an unnamed judge, nor does the Court’s Rules and/or General Order 08-
 3 05. Third, there is no allowance in the Court’s Rules and/or General Order 08-05 for a party
 4 (or a non-interested party) to interject a response to a disqualification motion. Just as his
 5 previous emails to Plaintiff’s counsel and the Court’s clerk requested legal advice on how/if
 6 he should respond, it seems that Mr. Pietz is now requesting leave to file a response simply
 7 because he does not know whether he is in fact entitled to file such a response in this matter.
 8 The Court should simply deny his request.
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12 Respectfully Submitted,

13 PRENDA LAW INC.
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15 **DATED: January 7, 2013**

16 By: /s/ Brett L. Gibbs

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