

1 Brett Gibbs
2 38 Miller Avenue, #263
3 Mill Valley, CA 94941
4 Telephone: (415) 381-3104
5 brett.gibbs@gmail.com
6 *In Propria Persona*

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 INGENUITY 13 LLC,

10 *Plaintiff,*

11 v.

12 JOHN DOE,

13 *Defendant.*

CASE NO. 2:12-CV-8333-ODW (JCx)

Judge: Hon. Otis D. Wright, II
Magistrate Judge: Hon. Jacqueline Chooljian

14 **STIPULATION BETWEEN**
15 **MOVANT BRETT L. GIBBS AND**
16 **ATTORNEY MORGAN E. PIETZ**

17 **STIPULATION**

18 Pursuant to the Central District of California Local Rules, L.R. 7-1,
19 Movant Brett L. Gibbs and the Putative John Doe defendant in 12-cv-
20 8333, by and through counsel, Attorney Morgan E. Pietz (hereinafter
21 “Stipulating Parties”), have agreed to certain terms regarding the May 6,
22 2013 “Order Issuing Sanctions” (hereinafter “May 6 Order,” Doc. No. 130), the
23 Court’s May 21, 2013 “Order Denying Ex Parte Application for Stay of
24 Enforcement; Order to Show Cause Re Attorney’s Fee Award” (“May 21 Order,”
25 Doc. No. 164), and the Court’s Order Denying in Part and Conditionally Granting in
26
27

1 Part Paul Duffy’s Motion for Approval of Bond and Order Staying Enforcement of
2 May 6 and May 21 Orders Imposing Sanctions and Penalties (“June 7 Order,” Doc.
3 No. 176). After meeting and conferring in good faith on the issues
4 currently presented in this matter, the Stipulating Parties stipulate to the
5 following:

- 6 1. In view of a bond having been posted in the above-captioned matter,
7 and in consideration of Mr. Gibbs’ current financial difficulties as
8 presented in his May 23, 2013 Response to the Court’s May 21 Order,
9 the Stipulating Parties agree that the entire amount of the \$1,000 per
10 day penalty should be vacated as to Mr. Gibbs, and only as to Mr.
11 Gibbs.
- 12 2. Mr. Gibbs’ position is that because the Court’s May 6 Order imposed
13 joint and several liability for the attorney’s fee award on four
14 individuals and three entities, and the Court’s June 7 Order required that
15 the bonds clearly set forth the joint and several liability of the parties,
16 the posted bond effectively applies to and secures payment from all of
17 the sanctioned parties, including Mr. Gibbs. The putative John Doe
18 defendant, through counsel, does not object to this position.
- 19 3. The Stipulating Parties agree that Mr. Gibbs should not accrue an
20 additional sanction or penalty for failing to post the additional bond
21 required by the Court’s June 7 Order; however, if the additional bond
22 required in the June 7 Order is not timely posted, this stipulation is
23 without prejudice to the putative defendant’s right to seek further relief
24 as against any party, including Mr. Gibbs.

25 ///

26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. As a “Prenda party,” as defined in the Court’s June 7 Order, Mr. Gibbs shall execute and acknowledge the validity of the conditions presented in the June 7 Order within the seven days allotted.

IT IS SO STIPULATED.

Respectfully submitted,

DATED: June 11, 2013

/s/ Brett L. Gibbs
Brett Gibbs
38 Miller Avenue, #263
Mill Valley, CA 94941
Telephone: (415) 381-3104
brett.gibbs@gmail.com

DATED: June 10, 2013

/s/ Morgan E. Pietz
Morgan E. Pietz
THE PIETZ LAW FIRM
3770 Highland Avenue, Suite 206
Manhattan Beach, CA 90266
Telephone: (310) 424-5557
Facsimile: (310) 546-5301
mpietz@pietzlawfirm.com
Attorney for Defendant John Doe

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 38 Miller Avenue, Mill Valley, CA 94941. The undersigned hereby certifies that on June 11, 2013, all individuals of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document using the Court’s ECF system, in compliance with this Court’s Local Rules. Further, on June 11, 2013 a true and correct copy of the foregoing document was placed into the U.S. mail, which was delivered to the following addresses, postage paid, the list of which comprise the currently known service list of individuals with known addresses on this matter as required under the Local Rules:

Angela Van Den Hemel
Prenda Law, Inc.
161 N. Clark St., Suite 3200
Chicago, IL 60601
Email: pduffy@pduffygroup.com;
paulduffy2005@gmail.com

John Steele
1111 Lincoln Road, Suite 400
Miami Beach, FL 33139
Telephone: (708) 689-8131
In Propria Persona

/s/ Brett L/ Gibbs
Brett L. Gibbs