

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS

LIGHTSPEED MEDIA CORPORATION, )  
)  
Plaintiff, )  
)  
vs. ) Case No. 3:12-CV-00860-WDS-DGW  
)  
LUCAS SHASHEK, )  
)  
Defendant. )

DEFENDANT’S CONSOLIDATED MOTION AND MEMORANDUM  
FOR LEAVE TO FILE SUPPLEMENTAL BRIEF IN FURTHER SUPPORT OF  
DEFENDANT’S MOTION TO DISMISS COMPLAINT

Defendant, Lucas Shashek (“Defendant”), by and through counsel, pursuant to Local Rule 7.1(c), files this Motion for Leave to File a Supplemental Brief in Further Support of His Motion to Dismiss Plaintiff’s Complaint.

BACKGROUND

Local Rule 7.1(c) provides that if a party believes that it is necessary to supplement his brief with new authority due to a change in the law or facts that occurred after the filing of his brief, the party must seek leave of court to file a supplemental brief. Defendant’s Motion to Dismiss was fully briefed as of September 20, 2012, when Defendant filed his Reply to Plaintiffs’ Response. The new case law, which Defendant wishes to bring to this Court’s attention, is an order granting, in part, a motion to dismiss entered on January 29, 2013, in the Federal District Court for the Southern District of California, and a number of cases cited therein, most of which have been decided after September 20, 2012. *A.F. Holdings, LLC v. Rogers*, U.S. Dist. Ct. S.D. Cal., case number 12-cv-1519 BTM (BLM) (Jan. 29, 2013). The facts in that case, and the cases cited therein, are substantially similar to the facts in this case.

The *A.F. Holdings* decision distills the legal issues presented to this Court in a cogent and logical way and illustrates the trend amongst federal courts across the country finding that it is not enough to state a cause of action to allege that the defendant “owned” the IP address in question.

**CONCLUSION**

For all the reasons stated herein, Defendant Lucas Shashek believes that it is necessary to supplement his briefing in support of his Motion to Dismiss, and seeks leave of this Court to file a Supplemental Brief. Defendant further prays for such other and further relief as the Court deems just and proper under the circumstances.

DANNA MCKITRICK, P.C.

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**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that I caused true and correct copies of the foregoing document to be served upon the parties receiving notice through the Court’s ECF system by filing with the Court’s ECF system at the date and time filed.

/s/ Laura Gerdes Long