

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

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SUNLUST PICTURES, LLC,

Plaintiff,

v.

JOHN DOE,

Defendant.

CASE NO. 1:12-cv-00656

Judge: Hon. Christine M. Arguello

Magistrate Judge: Hon. Kathleen M. Tafoya

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**PLAINTIFF’S MOTION FOR LEAVE TO AMEND THE COMPLAINT**

Plaintiff, through its undersigned counsel, hereby moves this Court for leave, pursuant to Federal Rule of Civil Procedure 15, to amend the Complaint to substitute “William Cisa” for “John Doe” as the Defendant in this case. Plaintiff has ascertained John Doe’s identity through the expedited discovery previously granted by this Court and now seeks leave to name Mr. Cisa as the defendant in this action.

On March 15, 2012, Plaintiff Sunlust Pictures LLC filed its complaint for copyright infringement and related civil conspiracy and contributory infringement claims against an unknown defendant. (ECF No. 1.) The next day, Plaintiff filed an expedited discovery motion seeking to serve subpoenas on various Internet Service Providers (“ISPs”) in order to obtain the identities of John Doe and his joint tortfeasors. (ECF No. 6.) The Court granted Plaintiff’s expedited discovery motion on March 22, 2012. (ECF No. 10.) As a result, Plaintiff served subpoenas on various ISPs, including Mr. Cisa’s ISP.

Mr. Cisa’s ISP responded to Plaintiff’s subpoena and identified “William Cisa” as the Internet subscriber associated with the Internet Protocol (“IP”) address over which Plaintiff

observed the infringing activity. Plaintiff now seeks leave from the Court to amend the Complaint in this case, and name and serve Mr. Cisa as the Defendant.

Under the Federal Rules, “[t]he court should freely give leave [to amend pleading] when justice so requires.” Fed. R. Civ. P. 15(a)(2). Justice so requires here, because without a named Defendant in this case, Plaintiff’s claims for copyright infringement, civil conspiracy, and contributory infringement cannot proceed. The Court should therefore grant Plaintiff leave to amend the Complaint, and name and serve Mr. Cisa as the Defendant in this case.

Respectfully submitted,

Sunlust Pictures, LLC

DATED: July 24, 2012

By: s/ Timothy V. Anderson  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 24, 2012, all counsel 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 CM/ECF system.

/s/ Timothy V. Anderson  
Timothy V. Anderson, Esq.