



January 11, 2013

VIA FACSIMILE (416) 954-5068

Registrar
Federal Court of Canada
Toronto Office
180 Queen St. W.
Toronto, ON M5V 3L6

Dear Sir:

Re: *Voltage Pictures LLC v. John Doe and Jane Doe*
Fed. Ct. No. T-2058-12

We write this letter in respect of a motion filed the by plaintiff in the above noted action, set down to be heard on 14 January, 2013, for an Order, pursuant to Rule 238, for discovery of a non-party. We request that the motion not go forward on 14 January, but instead be set forward to a future date in order to allow sufficient time for a determination of CIPPIC's own motion to intervene.

On 21 December, 2012, CIPPIC filed a motion in writing, pursuant to Rules 369 and 109, to intervene in the plaintiff's motion for discovery of a non-party. According to the terms of Rule 369(2), and bearing in mind the effect per Rule 6(3) of the Christmas recess, Voltage Pictures need not respond to CIPPIC's motion until 16 January, which is to say after its motion for discovery of a non-party is to be heard. CIPPIC is allowed to time to reply, per Rule 369(3). All material in CIPPIC's motion should be filed by 22 January.

As is clear from CIPPIC's motion record, we are specifically interested in intervening so as to present arguments relating to the motion for non-party discovery. Were the plaintiff's motion for non-party discovery to be heard on 14 January, CIPPIC's own intervention application would be rendered nugatory. Voltage Pictures will suffer no prejudice by pushing off the hearing of its own motion until after the status of CIPPIC's intervention application has been determined. The copyright infringements alleged are not continuing torts. There is no danger of evidence spoiling.

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As set out in our filed materials, CIPPIC believes it will be able to assist the Court in determining issues raised in this case. To our knowledge, no parties will appear at the hearing of the plaintiff's motion for non-party discovery to oppose the motion, and the plaintiff's evidence will be unchallenged. Given the reality that this case turns on discovery, CIPPIC argues that it is in the interests of justice that CIPPIC's intervention application be settled before the plaintiff's non-party discovery motion considered.

With respect to an alternative date for the hearing of Voltage's non-party discovery motion, CIPPIC respectfully observes that a hearing date will depend on the terms of any order granting CIPPIC leave to intervene, should such an order issue. CIPPIC has asked for participatory rights. Should the court in its discretion choose to grant CIPPIC such rights, CIPPIC will work diligently with the parties to the plaintiffs' motion to bring the matter forward consistent with the terms of any such order.

CIPPIC's agent, Felix Tang, will attend motions court on Monday, January 14th, at the time the plaintiff's motion is currently set down to be heard. Mr. Tang would be pleased to address any questions the Court might in its discretion choose to pose CIPPIC.

Yours truly,

[original signed by]

David Fewer
Director, CIPPIC

Cc: P. James Zibarras
Brauti Thorning Zibarras LL.P.

Nicholas McHaffie
Stikeman Elliott LL.P.

Felix Tang
Innovate LL.P.