

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE DIVISION

MALIBU MEDIA, LLC,)
)
 Plaintiff,)
) Civil Action No.
 v.) 0:14-cv-61957-JIC
)
 ROBERT DARE,)
)
 Defendant.)
 _____)

DECLARATION OF DEFENDANT ROBERT DARE IN SUPPORT OF
DEFENDANT'S MOTION TO SET ASIDE DEFAULT [13]

I, ROBERT DARE, being of lawful age, being duly sworn under oath, hereby state as follows:

1. I am the Defendant in the above-captioned matter and have personal knowledge about the facts attested to herein.

2. I have reviewed the motion to set aside the default and agree to the facts stated therein to the best of my knowledge.

3. I inadvertently overlooked the requirement to file an answer to Plaintiff's Amended Complaint.

4. During December 2014, I had recently begun a new job and, when I was not working, I was spending most of my waking hours taking care of my 4-month-old and 2-year-old children.

5. During January 2015, a seasonal cold passed through everyone in my house, including myself, which ultimately aided in me overlooking the requirement to respond to Plaintiff's complaint

and I deny the allegations in Plaintiff's amended complaint.

6. I have affirmative defenses and wish to defend myself against Plaintiff's allegations.

7. I am not the alleged infringer.

8. During the relevant time period, I had an open Wi-Fi signal which anyone within range could access without a password.

9. Within days of receiving notice of the default, I contacted and retained experienced counsel to assist me in moving to vacate the default.

I DECLARE under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

25, FEB 2015

Date



ROBERT DARE

ATTORNEY'S CERTIFICATE OF SERVICE

I the undersigned attorney hereby certify that on February 25, 2015, I filed electronically the foregoing with via CM/ECF system which will notify electronically all parties who have made appearances in this case.

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