

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

CELESTIAL, INC, a
foreign corporation,

Case No. 5:12-cv- 00375-RS-CJK

Plaintiff,

v.

JOHN DOES 173-377,

Defendants.

**DECLARATION OF JOHN DOE 199 IN SUPPORT OF MOTION TO
QUASH AND/OR SEVER**

Movant John Doe 199 declares under penalty of perjury, as follows:

- 1) I make this Declaration in support of my Motion to Quash, Sever, and Dismiss (the “Motion”) a subpoena issued by Plaintiff Celestial, Inc. (“Celestial”).
- 2) I make this Declaration as a John Doe 199, one of over 200 purported defendants listed in Celestial’s Complaint, so as not to disclose my identity or any personally identifying information about me as sought by Celestial through its subpoena (the “Subpoena”) to my Internet Service Provider (“ISP”).
- 3) I have received a copy of the Subpoena and correspondence from my ISP stating, among other things, that an Internet Protocol (“IP”) address purportedly assigned to me has been identified by Celestial, Celestial has filed a lawsuit alleging that various people infringed on its copyrights by uploading or downloading a movie without permission, and Celestial is seeking disclosure of my identity and personally identifying information from my ISP. A copy of the Subpoena is attached as Exhibit A to the Motion.

- 4) I am not a resident of Florida and was not a resident of Florida at any time relevant to this case.
- 5) I do not now, nor did I, during anytime relevant to this case, operate, conduct, engage in or carry on any business or business venture in Florida, or have an office or agency in Florida.
- 6) I have not contracted to insure any person, property, or risk in Florida.
- 7) I have not committed a tortious act in Florida.
- 8) I have never caused an injury to persons or property within Florida.
- 9) I do not regularly do or solicit business in Florida.
- 10) I do not derive any income, much less substantial income, from Florida.
- 11) I have never entered into or breached a contract in Florida.
- 12) I do not engage in any other persistent course of conduct in Florida.
- 13) I do not consent to personal jurisdiction in the state of Florida.
- 14) Should the Court require or request me to do so, I will file a notarized version of this declaration which includes my personal information. I will, however, seek to file such a document under seal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 7, 2013.

/s/ John Doe 199