

FILED _____ ENTERED _____
LOBBED _____ RECEIVED _____
FEB - 3 2012
PF
AT CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
BY _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

NU IMAGE, INC.

v.

CIVIL ACTION NO. DKC 11-2736

DOES 1 – 4,165

MOTION TO QUASH OR VACATE SUBPOENA

This is a formal request for a motion to quash a subpoena on civil case # DKC 11 – 2736 for the defendant, Doe #481, at Internet Protocol (IP) Address 24.1.161.28. The defendant requests that her private information not be provided to the plaintiff, by Comcast Cable, on this unjust request for discovery as her privacy is more important than an ill-filed request for discovery of her information. The plaintiff has only an IP address provided by a third-party as any evidence for their claim. The evidence in this case should be considered too weak to substantiate reasons to comply with their request of the subpoena. For this reason, this ill-conceived attempt to collect private information by the Plaintiff should be dismissed. An IP address is not a governmental issued identification number and should not be used as an identifier in connection with the defendant. An IP address is neither a finger print nor a social security number to reasonably identify an individual. Furthermore, it is quite possible that any person outside of the defendant’s home could have accessed the defendant’s wireless connection, without her consent, and downloaded or uploaded the intellectual property in question. Nowadays, even a secured internet connection is vulnerable to attacks by hackers.

The defendant, Doe #481, a 51 year-old grandmother, has no knowledge of the claims by the Plaintiff, Nu Image, Inc., of illegally downloading or uploading their intellectual property titled “The Mechanic” on 7/2/11 at 02:04:56 a.m. through Comcast Cable’s internet service. The defendant, Doe #481, has absolutely no computer literacy and is undeniably incapable of participating in the illegal activities claimed by the Plaintiff. Doe #481 does not speak, read, write, or understand English; therefore, defendant has absolutely no reason why she would have a need or want to download the alleged infringed intellectual property.

CIVIL ACTION NO. DKC 11-2736

Doe #481

Page 1 of 2

Doe #481 has been a client of Comcast Cable for many years and has never been accused of participating in any illegal activities. In fact, Doe #481 has a history of legally purchasing intellectual property through services provided by Netflix, directly through Comcast Cable and their On Demand services and other media retailers. This defendant is completely appalled by the thought of any illegal activities and would never participate in any such activities.

Furthermore, Doe #481 does not reside or conduct any business within 100 miles from the court where this claim was filed. Therefore, Doe #481 is out of this court's jurisdiction. Pursuit of any further action in this case will cause an unreasonable burden on the defendant. The defendant is not presently a licensed driver and is unable to commute for long distances. Also, the defendant has been unemployed for a substantial amount of time and does not have the financial means to adequately continue this case.

To conclude, the defendant, Doe #481, feels that it is unfortunate the Plaintiff has been a victim of cybercrime. However, she is asking the court that her private information is kept private and not disclosed to the Plaintiff as per their request and that she be completely removed with any involvement in this case. The defendant has no knowledge or participation of any unlawful activity as claimed by the Plaintiff.

Doe #481

IP Address 24.1.161.28

CIVIL ACTION NO. DKC 11-2736

CIVIL ACTION NO. DKC 11-2736

Doe #481

Page 2 of 2