

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

VOLTAGE PICTURES LLC

) Case No.: 1:10-cv-00873-RMU

Plaintiff,

)

v.

)

DOES 1-5000

) Declaration of Mark Richards in Support of  
) Omnibus Motion and Memorandum to Quash  
) Subpoena Pursuant to Fed. R. Civ. P. 45(c)(3)  
) and Motion to Dismiss Pursuant to Fed. R.  
) Civ. P. 12(b)(2)

Defendants.

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ORAL ARGUMENT REQUESTED

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**DECLARATION OF MARK RICHARDS IN SUPPORT OF OMNIBUS MOTION &  
MEMORANDUM TO QUASH SUBPOENA PURSUANT TO FED. R. CIV. P. 45(C)(3) AND  
MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(2)**

COMES NOW Mr. MARK RICHARDS and hereby declares:

1. I am MARK RICHARDS, a resident of Harbor City, California
2. I receive my Internet service via Earthlink.

3. On or about September 13, 2010, I received a letter from Earthlink advising me that Earthlink had received a subpoena from the Plaintiff in this action seeking the disclosure of my name, physical address, current address, email address and Media Access Control number connected with IP address 216.175.86.12 on June 12, 2010 at 2:52 a.m.
4. Said communication from Earthlink further advised me that unless I caused a motion to quash the subpoena issued by the Plaintiff to be filed with the Court by October 10, 2010, it would comply with Plaintiff's subpoena.
5. I am a resident of Harbor City, California, where I have lived since November (month) 1991 (year).
6. I have not transacted any business in the District of Columbia
7. I have not contracted to supply services in the District of Columbia
8. I have no interest in any real property located in the District of Columbia.
9. I do not use any real property located in the District of Columbia.
10. I have not agreed to act as surety for or on any person, property, risk, contract obligation or agreement located or executed or to be performed in the District of Columbia.
11. I do not regularly do or solicit business in the District of Columbia.
12. I do not derive any income, much less substantial income, from the District of Columbia.
13. I do not engage in any other persistent course of conduct in the District of Columbia.
14. I was not present within the District of Columbia on June 12, 2010 at 2:52:36 a.m.

15. Accordingly, I hereby join in the Omnibus Motion to Quash and Motion to Dismiss

Pursuant to Fed. R. Civ. P. 12(b)(2), based on this Court's respectful lack of personal jurisdiction over me as set forth in the Omnibus Motion.

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

DATED this \_\_\_ day of September, 2010

  
\_\_\_\_\_  
MARK RICHARDS

**CERTIFICATE OF SERVICE**

I am co-counsel with Ms. Christina A. DiEdoardo, admitted pro hac vice, for Mr. Richards. On September \_\_\_ 2010, I sent a true and complete copy of the foregoing DECLARATION OF MARK RICHARDS IN SUPPORT OF OMNIBUS MOTION TO QUASH/DISMISS to the following parties and/or their attorneys of record via United States Mail:

Mr. Nicholas A. Kurtz, Esq.,  
Dunlap, Grubb & Weaver PLLC  
199 Liberty Street S.W.  
Leesburg, VA 20175