2 3 4 5 6	SMBsh Scott MacMillan Baker Attorney at Law LAW OFFICES OF SCOTT MacMILLAN BAKER, P.C. 4562 N. First Avenue, Suite 100 Tucson AZ 85718 (520) 629-0900 Facsimile (520) 293-3070 Pima County Computer No. 2392 bakerlawpc@qwestoffice.net Attorney for Defendant John Doe, IP address 63.226.53.15
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11	UNITED STATES DISTRICT COURT
12	FOR THE DISTRICT OF ARIZONA
13 14	K-BEECH, INC., ) NO. CV-11-01604-PHX-NVW Plaintiff,
15	vs. AMENDED OBJECTION TO SUBPOENA ISSUED
16	JOHN DOS 1-54,  O WEST  COMMUNICATIONS & MOTION TO  QUASH SUBPOENA
17 18	Defendant.
19	COMES NOW the JOHN DOE identified by IP address 63.226.53.15, by and through
20	undersigned counsel, and hereby objects to the issuance and service of the subpoena on Qwest
21	Communications and moves to quash said subpoena pursuant to Rule 45 (c)(3) of the Federal Rules
22	of Civil Procedure, as follows:
23	That the issuance of the subpoena on Qwest Communications is an invasion of the
24	privacy of JOHN DOE, IP address 63.226.53.15 and therefore the information is privileged;
25	That the Plaintiff can provide no verification that said IP address, 63.226.53.15, was
26	not breached by an outside party and absent any assurance that the IP address could only have been
27	accessed by the owner of the IP address, the Court should not allow this information to be produced
28	as it contains personal information that one can expect to be private;
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1	That the allegations of the Complaint require some kind of compliance, knowledge
2	and intent which cannot be established by the party causing the issuance of the subpoena;
3	That maintenance records of the Defendant JOHN DOE's computer show that, during
4	the time around when this incident allegedly took place, the computer that was owned by the
5	registered owner of the IP address 63.226.53.15 was infected by a virus (see attached maintenance
6	records which by this reference are made a part hereof and which records have been redacted only a
7	to the actual name and address of the owner of the computer). A recent review of said computer
8	shows that none of the programs exist nor any of the data exists that the Plaintiff claims was
9	downloaded.
10	Therefore Defendant JOHN DOE, IP address 63.226.53.15, requests that Qwest
11	Communications be instructed not to comply with the request in the subpoena which was served
12	upon it; and further that this Court quash said subpoena
13	Respectfully submitted this 18 <sup>th</sup> day of October, 2011.
14 15	LAW OFFICES OF SCOTT MacMILLAN BAKER, P.C. Attorney for Defendant, John Doe, IP address 63.226.53.15
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17	By s/sb 7056
18	By s/ sb 7056 Scott M. Baker
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