

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLORADO

K-Beech, Inc.,
Plaintiff,

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

CASE No.2011-cv-01653-CMA-MJW

Filed- June 23, 2011

vs.

NOV 17 2011

DOES 1-35,

GREGORY C. LANGHAM
CLERK

MOTION TO QUASH OR MODIFY SUBPOENA

Defendants.

MOTION TO QUASH OR MODIFY SUBPOENA

I, John Doe #4 (IP 67.166.31.133) received a letter from my ISP (Internet Service Provider) Comcast regarding a subpoena (REDACTED), which included a copy of the Order Granting Plaintiff's Application for Leave to Take Discovery.

From accounts of previous defendants of K-Beech Inc, these subpoena notifications are followed by demand letters for damages based upon a single ISP subscription identifier, referred to as an IP (internet protocol) address. This subpoena demands that my former ISP turn over personal information revealing my full name, living address (now expired), mailing address, and any other collected information. It is the fact that one IP cannot identify a offender when the IP is in fact a gateway for a network to access the internet along with my innocence, that is the reason I am filing this motion, and for this reason, I respectfully request that I be allowed to do so without revealing my identifying personal information.

General Objections

1. Defendant objects to Plaintiff's subpoena to the extent the Defendant has no knowledge or recollection of downloading or uploading any files from any entity, less 5/23/2011 at 1:04

GMT.

2. Defendant objects to Plaintiff's subpoena to the extent that Plaintiff is alleging without proof that an individual or individuals in the location of IP# 67.166.31.133 downloaded an unidentified file illegally.
3. Defendant objects to Plaintiff's subpoena to the extent that the Plaintiff should have reasonable knowledge and understanding that an individual or individuals outside a building or apartment may be able to access wireless signals from networking equipment either unsecured or faulty
4. Defendant strongly objects to the Plaintiff's subpoena to the extent that Plaintiff cannot without a reasonable doubt know if the alleged infringement of K-Beech, Inc's copyrights was done by the occupant of indicated physical location of IP address 67.166.31.133 or by someone outside the premises with access gained without permission.
5. Defendant strongly objects to the Plaintiff's subpoena to the extent that Plaintiff may have an IP address of 67.166.31.133 as a copyright infraction, however Plaintiff should know that the address is but a gateway to Comcast (ISP) services and NOT an identifier of one single piece of equipment tied to an alleged infraction
6. Defendant objects to Plaintiff's subpoena on grounds that faulty networking gear was found to have allowed unsecured wireless access to Defendant's home network.

Summary

In this matter the Plaintiff has failed to produce exact identifiers of offending devices without a reasonable doubt, joined multiple offending IPs in a "trial by shotgun" approach to gain access to ISP info to target ISP subscribers directly, and to save massive costs by subpoenaing each offending IP directly. The

reported settlements between K-Beeches attorneys and the identified John Does have ranged between \$6000 and \$9000 (est.). This far outweighs the initial cost to the plaintiff and thereby receives the "Trial by Shotgun" moniker.

Conclusion

I, John Doe #4 (IP 67.166.31.133) respectfully requests the Court quash the Subpoena to demand that Comcast produce documents, information, on Doe #4 IP 67.166.31.133.

Dated: 11/14/2011

Respectfully submitted,

s/John Doe
John Doe
Pro se

CERTIFICATE OF SERVICE

I hereby certify that on 8/1/2011, I served a copy of the foregoing document, as directed to:

Comcast Corporation
Legal Demands Center
650 Centerton Road
Moorestown NJ 08057

and

The Kotzker Law Group
10268 Royal Eagle Street
Highlands Ranch CO 80219

and

(in error on 8/1/2011)

Eagle County Justice Center
885 Chambers Ave
PO Box 597
Eagle CO 81631

And 11/14/2011

Magistrate Judge Michael J. Watanabe

Alfred A. Arraj United States Courthouse A532
Room A-105 / Courtroom A502
901 19th Street
Denver, Colorado 80294-3589