

December 1, 2011

United States District Court
Clerks Office - 16th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

RE: Motion to Quash Subpoena to Produce Documents

This shall serve as a formal Motion to Quash in reference to the following:

Case No. C 11-2766 MEJ

The case involves the purported downloading of copyrighted material through an internet IP address. The identified IP address was leased from Charter Communication in my name. The IP address is associated with an unsecure router that is located at a property in North Carolina. I reside in Texas. The property is infrequently inhabited and the IP address serves to support an internet connection for a weather station and a security camera system at the property. I did not use the leased IP address for the purpose of downloading or distributing copyrighted material as suggested. Since the IP address was connected and supported by an unsecure router, the opportunity existed for an infinite number of unidentified parties to use the internet connection for such purpose. It will be impossible to assign any particular illegal act to anyone in this instance. I do not believe that just because I leased the IP address that I am liable for information that may have been transferred through such address by other users.

Releasing personal information regarding the holder of this Charter Communication account will not produce information that would provide the necessary details to identify the party responsible for downloading the copyright material. It would most likely generate harassment demands to satisfy whatever damages the plaintiff may feel they are due. The legal cost associated with defending an unwarranted and unsubstantiated claim would be onerous and substantial and I do not have the financial means to do so. Releasing my personal information affords the plaintiff the opportunity to pursue this unfounded claim and cause harm.

I have included two attachments. One is a copy of the first page of the subpoena. The second is the specific information from Charter Communication indicating the IP address in question which is **75.139.87.233**. My name and information is as follows:

William Triplett
Personal
646 South Main Street
San Antonio, Texas 78204
210-373-5664

Please reply to the address above with your decision on this motion.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Triplett', written over a horizontal line.

ATTACHMENT B

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UNITED STATES DISTRICT COURT
Northern District of California

PATRICK COLLINS, INC.,

No. C 11-2766 MEJ

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
EX PARTE APPLICATION FOR
LEAVE TO TAKE LIMITED
EXPEDITED DISCOVERY**

v.

DOES 1-2,590,

Docket No. 5

Defendants.

UNITED STATES DISTRICT COURT
For the Northern District of California

I. INTRODUCTION

Plaintiff Patrick Collins, Inc. ("Plaintiff") has filed an *ex parte* Application pursuant to Federal Rules of Civil Procedure 26 and 45, requesting leave to take expedited discovery to determine the identity of 2,590 Doe Defendants (collectively, "Defendants") named in this action. Dkt. No. 5 ("Pl.'s App."). For the reasons provided below, the Court **GRANTS** Plaintiff's Application.

II. BACKGROUND

On June 7, 2011, Plaintiff filed this lawsuit against 2,590 Doe Defendants, alleging that Defendants illegally reproduced and distributed a work subject to Plaintiff's exclusive license, ("*Real Female Orgasms 10*"), using an internet peer-to-peer ("P2P") file sharing network known as BitTorrent, and thereby violated the Copyright Act, 17 U.S.C. § 101-1322. Compl. ¶¶ 6-15, Dkt. No. 1. Plaintiff alleges that because the alleged infringement occurred on the internet, Defendants acted under the guise of their Internet Protocol ("IP") addresses rather than their real names. *Id.* at ¶



Charter Communications, Inc.
Legal Department
12405 Powerscourt Dr.
St. Louis, MO 63131
Fax: 314-909-0609

IMPORTANT LEGAL NOTICE: PLEASE READ CAREFULLY

November 8, 2011

OBJECTION DEADLINE

WILLIAM TRIPLET
3111 ELKWATER
SAN ANTONIO, TX 78258

December 8, 2011, 4:00 pm CT

References Used In This Notice

- Court Case: Patrick Collins, Inc. (the "Plaintiff") v. Does 1-2590, Court Case No. CV-11-2766-MEJ
- Court: United States District Court for the Central District of California
- Copyrighted Work: Real Female Orgasms 10
- Identifying Information: Account holder Name, Address(es), Telephone Number, Email Address(es), Modem MAC address
- Charter Case Number: 11-3736
- Your ID Number: 1928

Dear Sir or Madam:

Charter has received a subpoena from attorneys for the Plaintiff seeking certain information about your Charter internet account ("Account"), including the Identifying Information listed above. The Court has issued an order compelling Charter to disclose this information relating to your Charter Account. Charter respects the privacy of its subscribers, and will disclose customer information only to the extent required by law, as indicated in Charter's privacy policy on www.charter.com. Because a court order authorizes the Plaintiff to obtain this information, Charter must disclose these records unless you formally oppose disclosure in the Court by the objection deadline stated above. Copies of the court order and subpoena are attached, as well as any other documentation that may have been court-ordered to be provided with this notice.

Charter records indicate that an IP address listed on an exhibit to the subpoena was assigned to your Account at the given date and time. Below is a copy of the log that associates the IP with your Account in this format: IP Address – Modem MAC – CPE MAC – IP Lease Start Time – IP Lease End Time.

75.139.87.233 00:0e:9b:0c:d0:14 00:22:3f:a1:e2:a8 2010-06-16 12:40:02 2011-07-16 06:53:30

Please note: Charter cannot provide you legal representation and cannot object to the subpoena or court order on your behalf. If you wish to take action in this matter, you should contact an attorney immediately, who can advise you of your specific legal rights. If you intend to oppose the order, you should do so without delay in the court identified in the subpoena and order. **AN OBJECTION MADE SOLELY TO CHARTER IS INSUFFICIENT; OBJECTIONS MUST BE MADE DIRECTLY TO THE COURT. HOWEVER, CHARTER MUST BE NOTIFIED OF AN OBJECTION NO LATER THAN THE OBJECTION DEADLINE GIVEN ABOVE.**

If you file an opposition to the order, you or your attorney should provide a copy of the objection you submitted with the Court to Charter (attention "Legal – File-Sharing Team" via facsimile at 314-909-0609) by the objection deadline stated above so that Charter may withhold disclosure of your information. **PLEASE CLEARLY INDICATE IN YOUR COPY TO CHARTER (1) THAT YOUR OBJECTION WAS MADE TO THE COURT AND (2) PROVIDE YOUR NAME AND ADDRESS OR A COPY OF THIS LETTER, EVEN IF YOUR OBJECTION TO THE COURT IS ANONYMOUS. WITHOUT THIS INFORMATION CHARTER CANNOT WITHHOLD DISCLOSURE OF YOUR INFORMATION.**