

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:11-cv-00394-FDW-DSC**

PATRICK COLLINS, INC.,

Plaintiff,

v.

JOHN DOES 1-26,

Defendants.

**PLAINTIFF’S MEMORANDUM IN OPPOSITION TO CHARLES HADEN’S  
OBJECTION [DKT #9] TO THE SUBPOENA**

Plaintiff, Patrick Collins, Inc., opposes Defendant, Charles Haden’s objection [DKT #9] to the Subpoena, for the reasons set forth below:

1. Defendant, Charles Haden, admits in his objection that he is the subscriber of the IP address that was used to copy and distribute Plaintiff’s Work.

2. Defendant, however, claims that he was not living at the residence where the IP address was located at the time Plaintiff’s Work was being copied and distributed.

3. Defendant states that he had rented out the residence to two tenants who had access to the internet.

4. Plaintiff has filed a document titled, “Plaintiff’s Memorandum Explaining Why Discovery Is Proper Even When A Subscriber Claims He Or She Was Not There At The Time Of A Recorded Infringement,” [DKT # 12] which addresses the issue that discovery on a third party is proper even if defendants are not present in their respective residences at the time Plaintiff’s Work was distributed to Plaintiff’s investigator. Plaintiff adopts and incorporates said memorandum herein.

5. For the reasons set forth in that memorandum, Charles Haden's motion should be denied.

6. Additionally, Charles Haden's motion should be denied because it is moot. Mr. Haden identified himself in the motion by name, address, and Doe Number. A proposed order is attached for the Court's convenience.

WHEREFORE, Plaintiffs ask that the Court overrule Defendant Haden's objection, and to the extent the Court construes that objection as seeking relief, that relief be denied.

Dated: October 12, 2011

LAW OFFICE OF JAMES C. WHITE, P.C.

/s/ James C. White

James C. White

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ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2011 I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ James C. White

**SERVICE LIST**

1. Charles Haden  
115 Centre Court Road  
Charleston, WV 25314