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**UNITED STATES DISTRICT COURT  
OF NEW JERSEY**

PATRICK COLLINS, INC.,  Plaintiff,  v.  JOHN DOES 1-47,  Defendants.
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Case No. 2:12-cv-03906-SRC-CLW

Motion Day: September 17, 2012

**PLAINTIFF'S MEMORANDUM IN OPPOSITION TO  
MOTION TO QUASH FILED BY JOHN DOE # 14**

Plaintiff respectfully requests the Court deny Defendant's motion. Defendant's motion merely consists of a denial of infringement. Denials of infringement are not a basis to quash the subpoena and are premature at this point in the litigation process. See Voltage Pictures, LLC v. Does 1-5,000, 818 F. Supp. 2d 28, 35 (D.D.C. 2011) ("A general denial of engaging in copyright infringement is not a basis for quashing the plaintiff's subpoena.") The Court in Voltage noted that general denials of liability were not a basis to quash a subpoena and prevent

Plaintiff from learning the identity of the subscriber of the IP address. If this were the case, Plaintiff would be denied critical information necessary in order to address the merits of the claim.

It may be true that the putative defendants who filed motions and letters denying that they engaged in the alleged conduct did not illegally infringe the plaintiff's copyrighted movie, and the plaintiff may, based on its evaluation of their assertions, decide not to name these individuals as parties in this lawsuit. On the other hand, the plaintiff may decide to name them as defendants in order to have an opportunity to contest the merits and veracity of their defenses in this case. In other words, if these putative defendants are named as defendants in this case, they may deny allegations that they used BitTorrent to download and distribute illegally the plaintiff's movie, present evidence to corroborate that defense, and move to dismiss the claims against them. A general denial of liability, however, is not a basis for quashing the plaintiff's subpoenas and preventing the plaintiff from obtaining the putative defendants' identifying information.

Id. (Emphasis added.)

That being said, Plaintiff will take Defendant's personal circumstances into consideration when determining whether to further move forward with its claim.

For the foregoing reasons, Plaintiff respectfully requests the Court deny the subject motion.

DATED this 31<sup>st</sup> day of August, 2012

Respectfully submitted,

By: /s/Patrick Cerillo

**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2012 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/Patrick Cerillo