

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

THIRD DEGREE FILMS, INC. )

Plaintiff, )

v. )

DOES 1-47 )

Defendants )

Case No: 1:12-CV-10761

**DECLARATION OF DOE 34 (IP ADDRESS 71.233.51.203) IN SUPPORT OF MOTION  
TO DISMISS AND/OR QUASH SUBPOENA DIRECTED TO COMCAST CABLE**

I, the natural person identified as Doe 34 and having Internet connection via the IP address 71.233.51.203, declare and state as follows:

1. I am over the age of 18 and have personal knowledge of the facts herein.
2. In order not to moot the effect of this motion I am submitting this declaration using the pseudonym "Doe 34", which, according to a letter I received from Comcast dated May 22, 2012, the plaintiff in this case has associated with my IP address. A copy (redacted to protect my identity) of the Comcast letter is attached as Exhibit 1 hereto.
3. In the event the court wishes me to disclose my true identity during the pendency of this motion I am willing to do on an *in camera* basis.
4. I am a single 39-year old professional woman.
5. I have an advanced business degree and have been employed in a senior position in the highly regulated financial industry for many years.
6. I am the sole owner of a two-family home in Massachusetts.
7. I live alone in one unit and maintain the second floor unit as rental property.
8. Broadband service to both units is provided by Comcast Cable.
9. Rather than require my tenants in the second unit to separately install and pay for Internet access, I have simply provided wireless Internet access as part of the lease. I obviously cannot, however, control how, when or for what purposes tenants or their guests, or neighbors who may be able to access my wireless without my permission, may make of such access.
10. The film studio's attempt to discover my identity by claiming I am the person who supposedly downloaded an adult film using so-called Bit Torrent technology is absolutely false. I do not even know what Bit Torrent is and except through paid sites such as iTunes and

Amazon.com I have never in my life downloaded any motion picture (adult or otherwise), music, or even games from the Internet. I have never ever *viewed* a pornographic film and I certainly have no desire or interest in doing so.

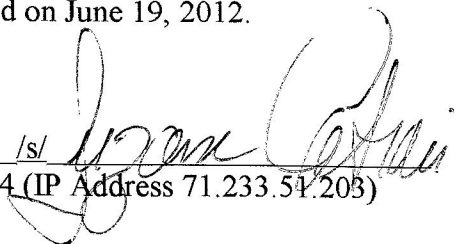
11. According to the information contained in Comcast's May 22, 2012 letter to me, the pornographic film attributed to me was downloaded at 1:07 a.m. on Monday, March 12, 2012. My occupation requires me to be at work between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday, so I am certain I was asleep in bed at the time of the claimed downloading.

12. I am extremely concerned for my professional and personal reputation if my identity is disclosed to the film studio. I work in a highly regulated industry and through extremely hard work and diligence I have achieved a level of professional success and local recognition in my community. Being associated with the illegal downloading of offensive pornographic materials, especially given the absolute falsity of such accusations, would be incredibly embarrassing, would unfairly and irreparably tarnish my reputation and could put my employment at serious jeopardy.

13. Moreover, since I neither downloaded nor viewed the supposed adult film at issue, it would be grossly unfair of me to be subjected to coercion, threats (implicit or explicit) or any contact whatsoever from the film studio seeking payment of a monetary settlement in order to avoid being publicly (and falsely) identified as person who not only violated U.S. copyright law, but did so with respect to vulgar and offensive adult content.

14. I therefore implore the court to quash the subpoena directed to Comcast and order that my identity and personal information not be disclosed to the Plaintiff, and that the complaint as to me be dismissed with prejudice.

Executed on June 19, 2012.

/s/   
Doe 34 (IP Address 71.233.54.203)