

Notice of Motion to Squash Deposition Subpoena.
United States District Court for the District of Columbia,
Achte/Nuente Boll Kino Beteiligungs...

Vs.

Does 1-2,094 (IP # 72.95.158.191)

Civil Action No. 1:10-cv-00453-RMC

NOTICE OF MOTION AND MOTION TO QUASH
SUBPOENA

Date: 05/14/2010

Time: 10:00 a.m.

Location: 199 Liberty St., Leesburg, VA 20175

Judge: Hon. Rosemary M. Collyer

Date Action Filed: 03/23/10

*Let this be filed
RM Collyer
5/14/10*

To Achte/Nuente Boll Kino Beteiligungs..., plaintiff, and to
Nicholas A. Kurtz, his attorney of record:

NOTICE IS GIVEN that defendant IP # 72.95.158.191
wishes to make this motion to quash the request for
documents, information or objects in this civil action case
therefore dismissing this action.

Date: 05/04/2010

Defendant IP 72.95.158.191 is representing themselves.

AO 88B (Rev 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

ACHTE/NEUNTE BOLL KINO BETEILIGUNGS . .)	
<i>Plaintiff</i>)	
v.)	Civil Action No. 1:10-cv-00453-RMC
DOES 1-2,094)	
)	(If the action is pending in another district, state where:
<i>Defendant</i>))

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: Verizon Legal Process Compliance, Attn: Custodian of Records,
TXD01613, P.O. Box 1001, San Angelo, TX 76902, Fax: 325-949-6916, security@verizon.net

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: In accordance with the conditions in the attached order, provide the name, current (and permanent) addresses, telephone numbers, e-mail addresses and Media Access Control addresses of all individuals whose IP addresses are listed in the attached spreadsheet (paper and CD formats). Let us know the preferred format to provide data - we will provide data in the most efficient and cost effective format.

Place: Nicholas A. Kurtz, Dunlap, Grubb & Weaver, PLLC 199 Liberty Street S.W., Leesburg, VA 20175	Date and Time: 05/14/2010 10:00 am
---	---

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------


The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/09/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk:



Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Plaintiff
ACHTE/NEUNTE BOLL KINO BETEILIGUNGS GMBH & CO KG, who issues or requests this subpoena, are:
Nicholas A. Kurtz, Dunlap, Grubb & Weaver, PLLC, 199 Liberty Street S.W., Leesburg, VA 20175,
Tel: 703-777-7319, Fax: 703-777-3656, email: subpoena@djwlegal.com

Faxed 5/15/10

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

ACHTE/NEUNTE BOLL KINO)	
BETEILIGUNGS GMBH & CO KG)	
)	
Plaintiff,)	
)	
v.)	CA. 1:10-cv-00453-RMC
)	
DOES 1 – 2,094)	
)	<u>Next Deadline: N/A</u>
Defendants.)	
)	

**CORRECTED [PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR
LEAVE TO TAKE DISCOVERY PRIOR TO RULE 26(f) CONFERENCE**

The Court has read all the papers filed in connection with the Plaintiff's Motion for Leave to Take Discovery Prior to the Rule 26(f) Conference ("Motion"), and considered the sworn declarations and issues raised therein, including the relevant privacy issues and the unique aspects of "torrent" infringement.

ORDERED that Plaintiff's Motion for Leave to Take Discovery Prior to the Rule 26(f) Conference is granted. ORDERED that Plaintiff is allowed to serve immediate discovery on the internet service providers (ISPs) listed in Exhibit A to the Complaint filed in this matter to obtain the identity of each John Doe Defendant by serving a Rule 45 subpoena that seeks information sufficient to identify each Defendant, including name, current (and permanent) addresses, telephone numbers, email addresses, and Media Access Control addresses; it is further

ORDERED that the Plaintiff may serve immediate discovery on any ISP identified by the same means detailed in the Declarations and Motion, or identified as providing network access or online services to one or more Doe Defendants, by an ISP upon whom a Rule 45 subpoena is

served, for which an infringing download has been identified by individual IP address together with the date and time access to the torrent network by such IP address was made for the purpose of downloading an unlawful copy of the Plaintiff's film "*Far Cry*" (the "Motion Picture"). Such Rule 45 subpoena shall seek information sufficient to identify each Doe Defendant, including his or her name, address, telephone number, e-mail address, and Media Access Control Address.

ORDERED that Plaintiff is allowed to serve a Rule 45 subpoena in the same manner as above to any ISP that is identified in response to a subpoena as a provider of internet services to one of the John Doe Defendants; it is further

ORDERED any information disclosed to Plaintiff in response to a Rule 45 subpoena may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in its Complaint; it is further

ORDERED any ISP which receives a subpoena shall not assess any charge to the Plaintiff in advance of providing the information requested in the Rule 45 Subpoena or for IP addresses which are not controlled by such ISP, duplicate IP addresses that resolve to the same individual, other IP address that does not provide the name and other information requested of a unique individual, or for the ISP's internal costs to notify its customers; and it is further

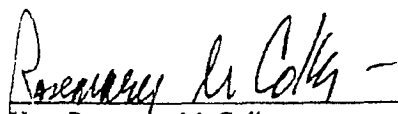
ORDERED that any ISP which receives a subpoena and elects to charge for the costs of production shall provide a billing summary and any cost reports that serve as a basis for such billing summary and any costs claimed by such ISP; it is further

ORDERED that if the ISP and/or any Defendant wants to move to quash the subpoena, the party must do so before the return date of the subpoena, which shall be 30 days from the date of service; it is further

ORDERED that the ISP shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash; and it is further:

ORDERED that Plaintiff shall provide each ISP with a copy of this Order.

Dated: 22 March 2010



Hon. Rosemary M. Collyer
United States District Judge

Send written letter to court motion to quash + send to verizon



Legal Compliance
TXD01613
2701 S Johnson St.
San Angelo, TX 76904
Voice: 888-483-2600
Fax 325-949-6916

April 30, 2010

Re: United States District Court for the District of Columbia, Subpoena, 1:10-cv-00453-RMC (Verizon Case: 10266310)

April 30, 2010

DOE-20

Randy Ansell
8 Longview Dr
Avella, PA 15312

Dear Customer:

This is to notify you that Verizon has received a deposition subpoena requiring the production of records associated with the following IP address:

(72.95.158.191)

Verizon has no information as to the purpose of the deposition subpoena or the nature of the action or investigation being undertaken. Any questions you have should be directed to the party who issued the deposition subpoena.

**Nicholas A. Kurtz
Dunlap Grubb Weaver
199 Liberty St., SW
Leesburg, VA 20175
P) 703-777-7319**

Please be advised that, unless Verizon is served with a motion for a protective order or a motion to quash by 12:00 PM on May 13, 2010, Verizon intends to produce the records by the date specified in the deposition subpoena. Motion papers can be served upon Verizon via fax number 325-949-6916.

Very truly yours,

Verizon Legal Compliance

Host IP address	Hit Date (UTC)	Related Title	ISP
71.186.181.218	9/25/09 07:04 05 AM	Far Cry	Verizon Internet Services
72.70.138.154	9/25/09 12:03 55 PM	Far Cry	Verizon Internet Services
70.16.66.103	9/27/09 08:13 54 AM	Far Cry	Verizon Internet Services
96.235.15.211	9/28/09 12:42 44 AM	Far Cry	Verizon Internet Services
71.98.87.205	9/28/09 11:18 22 AM	Far Cry	Verizon Internet Services
96.244.85.185	9/28/09 09:12 58 PM	Far Cry	Verizon Internet Services
70.110.198.132	9/29/09 02:14 21 AM	Far Cry	Verizon Internet Services
70.106.46.27	9/29/09 12:22:21 PM	Far Cry	Verizon Internet Services
71.125.29.162	9/29/09 01:01 35 PM	Far Cry	Verizon Internet Services
71.109.170.43	10/3/09 05:54 42 AM	Far Cry	Verizon Internet Services
71.255.13.129	10/9/09 06:07 48 PM	Far Cry	Verizon Internet Services
72.81.104.212	10/10/09 12:16 34 AM	Far Cry	Verizon Internet Services
71.115.183.81	10/10/09 03:11 31 AM	Far Cry	Verizon Internet Services
72.74.109.162	10/13/09 05:52 35 AM	Far Cry	Verizon Internet Services
71.112.211.7	10/14/09 01:46 02 AM	Far Cry	Verizon Internet Services
71.173.177.232	10/14/09 01:55 16 AM	Far Cry	Verizon Internet Services
68.236.252.76	10/14/09 02:19 30 AM	Far Cry	Verizon Internet Services
70.22.121.26	10/15/09 04:01 52 AM	Far Cry	Verizon Internet Services
72.69.238.214	10/16/09 06:32 02 AM	Far Cry	Verizon Internet Services
72.95.158.191	10/17/09 05:06 51 PM	Far Cry	Verizon Internet Services
138.88.45.74	10/17/09 07:21 43 PM	Far Cry	Verizon Internet Services
138.88.13.235	10/18/09 12:36 40 AM	Far Cry	Verizon Internet Services
71.127.170.64	10/18/09 12:37 53 AM	Far Cry	Verizon Internet Services
71.163.168.228	10/21/09 01:09 00 AM	Far Cry	Verizon Internet Services
71.165.217.99	10/23/09 11:26 52 AM	Far Cry	Verizon Internet Services
71.251.145.249	10/24/09 12:47 20 AM	Far Cry	Verizon Internet Services
70.110.179.247	10/25/09 12:21 51 AM	Far Cry	Verizon Internet Services
72.95.63.66	10/25/09 10:57 11 AM	Far Cry	Verizon Internet Services
71.182.237.242	10/25/09 09:02 36 PM	Far Cry	Verizon Internet Services
71.98.48.244	10/26/09 12:04 45 AM	Far Cry	Verizon Internet Services
70.20.242.131	10/26/09 12:32 08 AM	Far Cry	Verizon Internet Services
96.248.0.82	10/27/09 06:19 15 AM	Far Cry	Verizon Internet Services
96.225.239.28	10/28/09 10:41 24 PM	Far Cry	Verizon Internet Services
96.244.85.33	10/29/09 01:29 03 AM	Far Cry	Verizon Internet Services
72.83.116.41	10/31/09 04:19 59 PM	Far Cry	Verizon Internet Services
182.83.152.233	11/1/09 12:00 04 AM	Far Cry	Verizon Internet Services
96.224.147.35	11/2/09 12:47 37 AM	Far Cry	Verizon Internet Services
71.97.151.31	11/2/09 01:08 57 AM	Far Cry	Verizon Internet Services
71.169.113.212	11/2/09 06:50 58 AM	Far Cry	Verizon Internet Services
96.232.82.163	11/2/09 12:50 36 PM	Far Cry	Verizon Internet Services
70.109.30.4	11/2/09 11:32 14 PM	Far Cry	Verizon Internet Services
96.235.230.14	11/3/09 12:16 44 AM	Far Cry	Verizon Internet Services
96.238.182.243	11/3/09 03:40 54 AM	Far Cry	Verizon Internet Services
71.98.129.177	11/3/09 05:03 44 AM	Far Cry	Verizon Internet Services
71.107.10.136	11/3/09 05:43 41 AM	Far Cry	Verizon Internet Services
72.65.132.112	11/3/09 08:02 37 AM	Far Cry	Verizon Internet Services
71.180.247.238	11/3/09 11:09 15 PM	Far Cry	Verizon Internet Services
71.125.97.39	11/4/09 12:28 51 AM	Far Cry	Verizon Internet Services
96.224.97.108	11/6/09 12:09 01 AM	Far Cry	Verizon Internet Services
71.108.6.131	11/6/09 01:03 44 AM	Far Cry	Verizon Internet Services
141.157.14.73	11/7/09 06:11 49 AM	Far Cry	Verizon Internet Services
70.109.27.115	11/7/09 12:43 08 PM	Far Cry	Verizon Internet Services
96.229.213.178	11/8/09 01:38 40 AM	Far Cry	Verizon Internet Services
71.183.178.155	11/8/09 01:55 11 AM	Far Cry	Verizon Internet Services
70.23.97.249	11/8/09 07:15 43 AM	Far Cry	Verizon Internet Services
70.109.13.30	11/8/09 06:42 52 PM	Far Cry	Verizon Internet Services
96.255.134.213	11/8/09 09:04 01 PM	Far Cry	Verizon Internet Services
72.89.75.10	11/9/09 01:35 45 AM	Far Cry	Verizon Internet Services
96.250.155.231	11/9/09 03:45 57 AM	Far Cry	Verizon Internet Services
71.173.245.196	11/10/09 01:05 34 PM	Far Cry	Verizon Internet Services
138.88.226.83	11/11/09 03:44 25 AM	Far Cry	Verizon Internet Services
71.178.159.251	11/11/09 08:44 56 PM	Far Cry	Verizon Internet Services
71.113.148.37	11/12/09 03:09 48 AM	Far Cry	Verizon Internet Services
71.119.61.140	11/13/09 08:59 01 PM	Far Cry	Verizon Internet Services
72.76.156.203	11/14/09 06:48 31 PM	Far Cry	Verizon Internet Services
71.107.103.218	11/15/09 12:30 18 AM	Far Cry	Verizon Internet Services
72.76.167.39	11/16/09 01:57 09 PM	Far Cry	Verizon Internet Services
71.97.207.220	11/16/09 08:40 50 PM	Far Cry	Verizon Internet Services
71.182.213.7	11/18/09 01:06 38 PM	Far Cry	Verizon Internet Services
72.67.12.42	11/19/09 09:20 58 AM	Far Cry	Verizon Internet Services
71.173.177.148	11/20/09 12:06 20 AM	Far Cry	Verizon Internet Services
72.64.227.121	11/20/09 01:10 07 AM	Far Cry	Verizon Internet Services
71.109.234.191	11/20/09 04:38 54 AM	Far Cry	Verizon Internet Services