

CIVIL COVER SHEET

12-4703

The JS 44 civil cover sheet and the information obtained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provide by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

LIBERTY MEDIA HOLDINGS, LLC

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

SAN DIEGO, CA

(c) Attorneys (Firm Name, Address, and Telephone Number)

MULVIHILL + RUSHIE
2424 E. YORK ST SUITE 716
PHILADELPHIA PA 19135

DEFENDANTS

JOHN DOES 1-265

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known) CHARLES THOMAS
117 W. GAY ST SUITE 716
WEST CHESTER PA 19380

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff, and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes checkboxes for various legal categories like Insurance, Personal Injury, Real Property, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

- CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE
DOCKET NUMBER
DATE
SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

AUG 17 2012

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar

Address of Plaintiff: 302 [REDACTED] St #321, San Diego, CA 92103 12 4703
Address of Defendant: UNKNOWN

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes No

Does this case involve multidistrict litigation possibilities? Yes No

RELATED CASE, IF ANY:
Case Number: _____ Judge _____ Date Terminated: _____

- Civil cases are deemed related when yes is answered to any of the following questions:
1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No
 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes No
 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

- A. Federal Question Cases:
1. Indemnity Contract, Marine Contract, and All Other Contracts
 2. FELA
 3. Jones Act-Personal Injury
 4. Antitrust
 5. Patent
 6. Labor-Management Relations
 7. Civil Rights
 8. Habeas Corpus
 9. Securities Act(s) Cases
 10. Social Security Review Cases
 11. All other Federal Question Cases
(Please specify) COPYRIGHT

- B. Diversity Jurisdiction Cases:
1. Insurance Contract and Other Contracts
 2. Airplane Personal Injury
 3. Assault, Defamation
 4. Marine Personal Injury
 5. Motor Vehicle Personal Injury
 6. Other Personal Injury (Please specify)
 7. Products Liability
 8. Products Liability — Asbestos
 9. All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:
 Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
 Relief other than monetary damages is sought.

DATE: _____ Attorney-at-Law _____ Attorney I.D.# _____
NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38. AUG 17 2012

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8/17/12 Charles [Signature] 89781
Attorney-at-Law Attorney I.D.#

ER

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

LIBERTY MEDIA HOLDINGS, LLC

v.

JOHN DOGS 1-265

CIVIL ACTION

NO. **12 4703**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

8/17/12

Date

CHARLES THOMAS

Attorney-at-law

JOHN DOE 69.181.54.185

Attorney for

877-397-3003

Telephone

877-397-3003

FAX Number

CT@THOMSTRIALS.COM

E-Mail Address

AUG 17 2012

ER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LIBERTY MEDIA HOLDINGS, LLC,
Plaintiff

v.

JOHN DOES 1- 265
Defendants

Civil Action No. 12 4703

PETITION FOR REMOVAL

COMES NOW, John Doe associated with IP address 69.181.54.185 ("Doe"), by and through counsel, and files this Petition for Removal pursuant to the provisions of 28 U.S.C. §§ 1441 et seq., showing the Court as follows:

1. This action was commenced by Plaintiff in the Court of Common Pleas of Philadelphia, Pennsylvania. The suit is captioned as *Liberty Media Holdings, LLC v. John Does 1 - 441*, C.P. Phila., April, 2012 Term, No. 1874.
2. This action commenced by the filing of a Writ of Summons. (A true and correct copy of Plaintiff's Writ of Summons is attached hereto as Exhibit A).
3. The earliest knowledge and first notice of Plaintiff's Writ of Summons by Defendant was July 30, 2012, when Defendant received a notice of from Comcast Cable Communcations, LLC ("Comcast") that Plaintiff had subpoenaed Comcast for Doe's identifying information.
4. Simultaneous to the Writ of Summons, Plaintiff filed a Motion for Pre-Complaint Discovery, attached hereto as Exhibit B, pursuant to Pa.R.C.P. 4003.8, which authorizes Pennsylvania state courts to grant discovery prior to the filing of a complaint when "the information sought is material and necessary to the filing of the complaint and the discovery will not cause unreasonable

annoyance, embarrassment, oppression, burden or expense to any person or party.” See Pa.R.C.P. 4003.8.

5. The state court authorized pre-complaint discovery was not directed at any of the John Doe Defendants, but was rather directed at Comcast in the form of mass subpoenas, directing Comcast to produce the names and addresses of persons associated with the IP addresses in question.
6. It would seem that the only known connection to Pennsylvania in this case is that Comcast is headquartered within the jurisdiction, not necessarily any of the John Doe Defendants.
7. Comcast moved to quash in the state court, which motions were denied, and it was only after all motions were denied that Comcast informed the persons identified that an action had been filed.
8. In effect, Plaintiff has transformed Pennsylvania's pre-complaint discovery procedure from what has heretofore been narrowly used to discover the scope of claims against known persons within Pennsylvania into a dragnet, trolling wherever a non-party with arguable information could be found, even though it is highly likely that many of the actual party John Doe Defendants reside outside the jurisdiction.
9. Furthermore, review of the Motion for Pre-Complaint Discovery and subsequent filings, however, make clear that the Plaintiff commenced the state court action as a means to pursue copyright remedies, as the allegations made in the motions and the arguments advanced clearly relate to alleged illegal downloading and file-sharing of protected works.
10. Pursuant to 28 U.S.C. §1338, copyright jurisdiction lies exclusively in the

Federal courts, and specifically states “[n]o State court shall have jurisdiction over any claim for relief arising under any Act of Congress relating to patents, plant variety protection, or copyrights.”

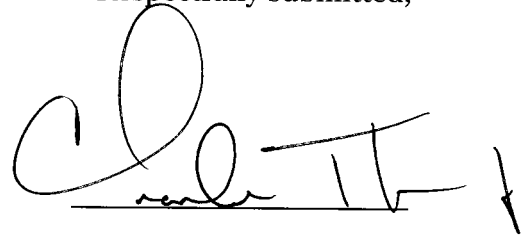
11. Furthermore, Congress has specifically declared that all state common law or statutory copyright or copyright equivalent claims are preempted by Federal law. 17 U.S.C. §301(a).
12. As Defendant Doe is aware that based on all available information the case lies within the exclusive jurisdiction of this Court, and that less than 30 days have elapsed since Defendant Doe became aware of the existence of this action, removal pre-complaint is appropriate under *Foster v. Mutual Fire, Marine, & Inland Ins. Co.*, 986 F.2d 48 (3d Cir. 1993).
13. Plaintiff stated in his complaint that Liberty Media Holdings, LLC (“Liberty”) is a California limited liability company; according to information obtained via the California Secretary of State, petitioning Defendant Doe believes that Liberty’s principal place of business is 302 Washington Street, #321, San Diego, CA 92103.
14. Pursuant to 28 U.S.C. §1441(b)(1), citizenship of “citizenship of defendants sued under fictitious names shall be disregarded”; therefore, full diversity of citizenship exists.
15. This Court, therefore, has jurisdiction under 28 U.S.C. §1338, 28 U.S.C. §1332, and 17 U.S.C. §301(a).
16. This matter is one that may be removed to this Court by Petitioner/Defendant pursuant to the provisions of 28 U.S.C. § 1441 and 1441(b).

WHEREFORE, Petitioner John Doe associated with IP address 69.181.54.185,

the named Defendant in the action described herein above which is currently pending in the Court of Common Pleas of Philadelphia, Pennsylvania, April, 2012 Term, No. 1874, pray that this matter be removed to this Court.

Submitted this 17th day of August, 2012.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles Thomas, Jr.', with a horizontal line underneath and a small vertical mark to the right.

Charles Thomas, Jr.
Attorney for Defendant
117 W. Gay Street
Suite 316
West Chester, PA 19380
877-397-3003
ct@ThomasTrials.com
Atty. I.D. No. 89781

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LIBERTY MEDIA HOLDINGS, LLC,
Plaintiff

v.

JOHN DOES 1 - 441,
DefendantS

Civil Action No. _____

CERTIFICATE OF SERVICE

I, Charles Thomas, Jr., Attorney for Defendant, do hereby certify that the following parties have this day been served with a true and correct copy of this Petition for Removal via CM/ECF and U.S. Mail.

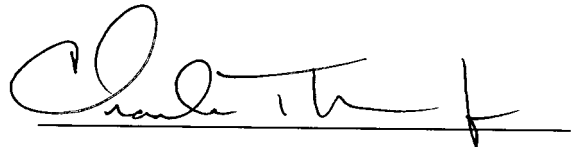
A. Jordan Rushie, Esq.
Attorney for Plaintiff
Mulvihill & Rushie LLC
2424 East York Street
Suite 316
Philadelphia, PA 19125

Corey Osborn, Esq.
Attorney for non-party movant Comcast
Tucker Law Group
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd.
Suite 1700
Philadelphia, PA 19103

Respectfully submitted,

8/17/12

Date



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