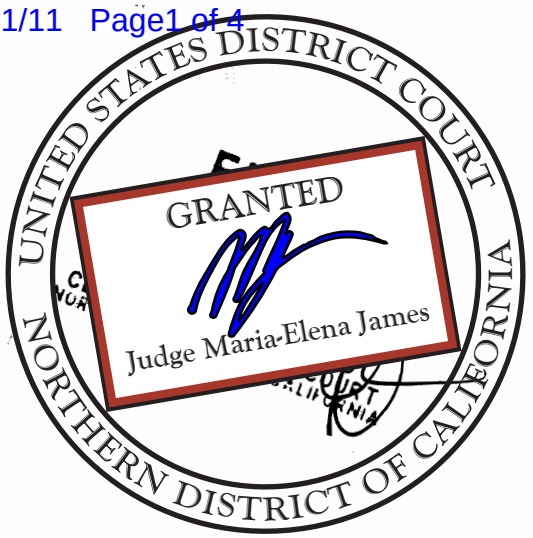

Doe # 37
I.P. Address 108.34.138.72

New Sensations, Inc. v. Does 1-1474
Case No. C 11-2770-MEJ

Clerk's Office
United States District Court
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

United States District Court
Northern District of California

New Sensations, Inc.,

Plaintiff

v.

Does 1-1,474,

Defendant

Case No. C 11-2770 MEJ

MOTION TO PROCEED ANONYMOUSLY

To the Honorable Judge Maria-Elena James:

I respectfully request that this Honorable Court permit me to proceed anonymously as Doe # 37 and, in support of this motion, state as follows:

I recognize the importance of public access to court proceedings; however, I am not seeking to proceed pseudonymously through the trial stage of the case, if any, but am

seeking a much narrower privilege of pseudonymously challenging the propriety of a subpoena during the pretrial phase of the litigation.

On or about October 3, 2011, I received a letter from my Internet Service Provider, Verizon Online ("Verizon"); a redacted version is attached as Exhibit A to my motion to dismiss. The letter identifies my IP address as 108.34.138.72. Attached to the letter was a subpoena requiring Verizon to disclose my name, address, and other personally identifying information. The letter stated that I had 30 days (from September 30, 2011) to contest the subpoena. I have contested the subpoena by filing with this Court a Motion to Dismiss for Lack of Personal Jurisdiction and/or Misjoinder and Motion to Quash Subpoena.

Anonymity has been granted to parties in previous cases addressing parties' rights to privacy where the injury being litigated against (the disclosure of personally identifiable information) would be incurred should the party be required to disclose its identity. See Roe v. Ingraham, 364 F. Supp. 536.541 (S.D.N.Y 1973). Such a privacy claim exists here; I cannot disclose my identity without incurring the very injury being litigated against.

As discussed more fully in my Motion to Quash Subpoena, this Court lacks personal jurisdiction over Doe # 37 (IP address 108.34.138.72). I respectfully request the Court permits me to proceed under the pseudonym Doe # 37.

Although I am proceeding in this matter *pro se*, I did consult with an attorney and my pleadings were prepared after receiving assistance from an attorney.

Respectfully submitted,

Doe #37

(I.P. Address 108.34.138.72)

Pro Se

I would also like to make the Court aware that I have mailed, via first-class pre-paid postage, a true and correct copy of the foregoing Motion to Quash Subpoena and Motion to Dismiss for Lack of Personal Jurisdiction and/or Misjoinder to:

Clerk's Office
United States District Court
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

Ira M. Siegel
Law Offices of Ira M. Siegel
433 N. Camden Dr.
Suite 970
Beverly Hills, CA 90210
Attorney for Plaintiff

Doe # 37

I.P. Address 108.34.138.72

Pro Se