

Doe # 1039  
I.P. Address 74.131.210.125

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

Clerk's Office  
United States District Court  
450 Golden Gate Avenue, 16<sup>th</sup> Floor  
San Francisco, California 94102



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

NEW SENSATIONS, INC,	)	
	)	
PLAINTIFF,	)	Case No. 3:11-cv-02770-MEJ
	)	
v.	)	
	)	<b>Motion to Proceed Anonymously</b>
	)	
DOES 1-1,474,	)	
	)	
DEFENDANTS.	)	
_____	)	

To Hon. Judge Maria-Elena James:

Most respectfully, I am hereby moving this Court to permit me to proceed in this action anonymously as Doe #1039, I.P. Address 74.131.210.125. In support of same, I hereby state the following:

Although I certainly recognize that court proceedings, as well as the parties to any court proceedings, generally are public accessible, I am requesting that Your Honor allow me to proceed anonymously in this case, at least through the stage of my filing and this Court ruling upon my Motion to Dismiss for Lack of Personal Jurisdiction and/or Misjoinder and Motion to Quash Subpoena. I filed my Motion to Dismiss for Lack of Personal Jurisdiction and/or Misjoinder and

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November 9, 2011  
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Motion to Quash Subpoena simultaneously with the instant Motion.

On October 12, 2011, I received correspondence from my internet service provider, Insight Communications, informing me that pursuant to a subpoena that it received, Insight Communications would disclose to the Plaintiff my indentifying information unless it receives an Order from this Court instructing it otherwise. See, redacted copy of letter and Subpoena attached hereto as Exhibit "A". To protect my identity, I redacted my indentifying information from the attached correspondence from Insight Communications; however, I did not redact the IP address identified in the correspondence, i.e., 74.131.210.125. I have properly and timely 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.

In previous cases regarding parties' right to privacy in which the disclosure of personal indentifying information is the injury at issue, Courts have allowed parties to proceed anonymously. See, Roe v. Ingraham, 364 F.Supp. 536, 541 (S.D.N.Y. 1973). My case is analogous to Roe because I cannot disclose my identity without incurring the very injury being litigated against.

As I outline for Your Honor in my Motion to Dismiss for Lack of Personal Jurisdiction and/or Misjoinder and Motion to Quash Subpoena, my position, most respectfully, is that this Court lacks personal jurisdiction over Doe #1039, I.P. Address 74.131.210.125. For that reason, as well as the other reasons identified in this Motion, I request that you permit me to proceed anonymously in

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this case. Although I am proceeding *pro se* at this time, these pleadings were prepared after I consulted with an attorney.

Respectfully Submitted,

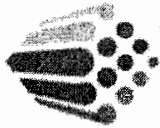
*Doe # 1039*

Doe # 1039  
(I.P. Address 74.131.210.125)  
*Pro Se*

**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 9<sup>th</sup> day of November, 2011, I sent a copy of this Motion by First Class United States Mail, postage pre-paid, to the following persons:

Ira M. Siegel, Esq.  
Law Offices of Ira M. Siegel  
433 N. Camden Drive, Suite 970  
Beverly Hills, California 90210  
*Attorney for Plaintiff*



Insight

Insight Communications

October 12, 2011

LD #4360

**CONFIDENTIAL**

RE: Notice of Subpoena for Records

Dear Customer:

As a courtesy, we are notifying you that we have received the enclosed subpoena/order for your account information. Your account is associated with an IP Address that was used to obtain a copy of copyrighted creative works. The specific IP address(s), date and time is as follows:

IP: 74.131.210.125 on 4/8/2011 11:25:01 PM

As required by law, we will produce the requested records. This will be in compliance with the subpoena unless we receive a court order prohibiting such disclosure by November 12, 2011. If you have any questions about the subpoena, you should consult an attorney or contact the requesting party as shown on the subpoena at the following address and telephone number:

LAW OFFICES OF IRA M. SIEGEL  
433 N. Camden Drive, Suite 970  
Beverly Hills, CA 90210  
P: 888.406.1004  
Email: [subpoena@irasiegellaw.com](mailto:subpoena@irasiegellaw.com)

Our apologies but Insight's Customer service is unable to answer any questions regarding this confidential legal matter and has provided to you the information that is available from this Attorney.

Regards,

A handwritten signature in black ink, appearing to read "Marian C. Wright-Cannady".

Marian C. Wright-Cannady  
Legal Demands & Regulatory Compliance

Attachment: Subpoena Civil Action No. CV-11-2770-MEJ

**EXHIBIT**  
"A"

AU 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

Southern District of New York

New Sensations, Inc.

Plaintiff

v.

DOES 1-1474

Defendant

Civil Action No. CV-11-2770-MEJ

(If the action is pending in another district, state where:  
Northern District of California )

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

To: Custodian of Records, Insight Communications Company (hereinafter "ISP"), Legal Department  
810 Seventh Avenue, 41st Floor, New York, NY 10019

**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:

Documents sufficient to identify the names, addresses, telephone numbers, and email addresses of ISP's subscribers assigned the IP addresses identified on Attachment A on the corresponding dates at the corresponding times. You are to comply with this subpoena pursuant to the terms set forth in the Order attached hereto as Attachment B.

Place: Law Offices of Ira M. Siegel c/o BRS 350 S Northwest Highway, Suite 300 Park Ridge, IL 60068	Date and Time: November 30, 2011 at 9:00 a.m. *
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**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:
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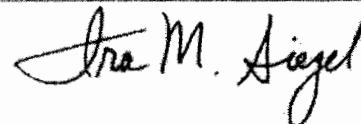
The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

\* Compliance with this subpoena may be a multi-step process pursuant to the Order attached (Attachment B). At least the first step should be completed by October 21, 2011, with all steps completed by the date set forth under "Date and Time" above: November 30, 2011. (See paragraphs 4 and 5 of the Order.)

Date: September 26, 2011

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)

New Sensations, Inc.

, who issues or requests this subpoena, are:

Ira M. Siegel, Law Offices of Ira M. Siegel, 433 N. Camden Drive, Suite 970, Beverly Hills, CA 90210, Email: subpoena@irasiegellaw.com, Telephone: 888-406-1004

## ATTACHMENT A

Table of Last-Observed Infringements by Defendants of Copyrights in Listed Motion Pictures that Are the Subject of New Sensations, Inc.'s Listed Copyright Registrations

Doe #	ID	Internet Protocol Address (IP)	Internet Service Provider (ISP)	Motion Picture Title / Copyright Registration Number	Timestamp (U.S. Eastern Time)	Protocol
Doe 1039	4000952	74.131.210.125	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2011-04-08 19:25:01 -0400	BitTorrent
Doe 1040	2508034	74.132.24.247	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2011-01-10 06:21:23 -0500	BitTorrent
Doe 1041	557329	74.133.200.250	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2010-09-25 02:29:47 -0400	BitTorrent
Doe 1042	609920	74.133.7.145	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2010-09-29 06:26:37 -0400	BitTorrent
Doe 1043	2133001	74.136.129.178	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2010-12-18 07:49:55 -0500	BitTorrent
Doe 1044	4518047	74.136.176.10	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2011-05-01 19:21:47 -0400	BitTorrent
Doe 1045	4089725	74.136.180.114	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2011-04-14 00:59:13 -0400	BitTorrent
Doe 1046	779204	74.136.250.6	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2010-10-11 13:53:08 -0400	BitTorrent
Doe 1047	3101439	74.138.132.223	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2011-02-15 21:51:06 -0500	BitTorrent
Doe 1048	759376	74.138.241.139	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2010-10-10 13:47:42 -0400	BitTorrent
Doe 1049	4964496	74.138.9.70	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2011-05-22 19:35:18 -0400	BitTorrent
Doe 1050	2746918	74.140.144.114	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2011-01-25 02:31:30 -0500	BitTorrent
Doe 1051	2732601	74.140.96.49	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2011-01-24 00:58:44 -0500	BitTorrent

09/26/2011 04:56 p TO:+1 (866) 6048176 FROM:3106845771

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Doe 1052	2650980	74.141.82.135	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2011-01-18 21:24:44 -0500	BitTorrent
Doe 1299	783078	96.28.106.86	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2010-10-11 05:09:53 -0400	BitTorrent
Doe 1300	1781368	96.28.136.111	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2010-11-23 12:52:38 -0500	BitTorrent
Doe 1301	1021649	96.28.88.223	Insight Communications Company	Big Bang Theory A XXX Parody / PA0001682229	2010-10-23 22:28:15 -0400	BitTorrent