

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

PHE, INC.,	)	
	)	
Plaintiff,	)	
vs.	)	Case No. 1:13-cv-00786
	)	
DOES 1-122,	)	Hon. John W. Darrah
	)	
Defendants.	)	

**MOTION TO DISMISS DEFENDANT DOE 11 AND  
TO QUASH THE SUBPOENA ISSUED TO COMCAST RELATED THERETO**

Defendant, **DOE 11**, by Doe 11’s counsel moves this Court pursuant to Fed. Rule of Civil Procedure 20(b) and 21 for dismissal for improper joinder and to quash the subpoena insofar as it is related to Doe 11.

1. Defendant Doe 11 received a letter from Comcast in late March, 2013 notifying Doe 11 of a PHE, Inc. subpoena seeking non-public personal information related to 122 entries without any consideration of the myriad differences among them, including, *inter alia*, the vast range of differences in the noted “hit time” ascribed.

2. In further support of this motion, Doe 11 states that no copy of the alleged movie is on the identified computers or smartphones on the network and necessary none has been forwarded.

3. Doe 11 has no knowledge of any use of BitTorrent tracker software and/or copyright issues related to movies prior to receipt of the Comcast subpoena notice and conference with counsel.

**WHEREFORE**, Defendant Doe 11, prays for the entry of an order dismissing Defendant Doe 11 as a party to this complaint, quashing the Comcast subpoena, and for

such other and further relief as the Court deems reasonable and appropriate in the circumstances.

Dated: April 22, 2013  
Chicago, Illinois

**DOE 11**, Defendant

By: /s/ Alexander D. Kerr, Jr.  
One of Its Attorneys

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