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10 Specially Appearing for Respondent
11 BRETT L. GIBBS

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 INGENUITY 13 LLC,
15 Plaintiff,
16 vs.
17 JOHN DOE,
18 Defendant.

19 Case No. 2:12-CV-8333-ODW (JCx)
20 [Assigned to Judge Otis D. Wright, II]

21 **BRETT L. GIBBS' OBJECTIONS
22 TO THE DECLARATION OF
23 MORGAN E. PIETZ,
24 SUPPLEMENTAL DECLARATION
25 OF MORGAN E. PIETZ AND
26 DECLARATIONS OF BART
27 HUFFMAN AND CAMILLE D.
28 KERR AND EXHIBITS THERETO**

[Filed Concurrently with Brett Gibbs' Supplemental Brief; Supplemental Declaration of Brett L. Gibbs; Supplemental Request for Judicial Notice and Proposed Order re Objections to Evidence]

[OSC Filed: August 1, 2012]

Trial date: None set

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

2 Respondent Brett L. Gibbs submits the following objections to the
 3 Declaration of Morgan E. Pietz, Supplemental Declaration of Morgan E. Pietz, and
 4 Declarations of Bart Huffman and Camille D. Kerr and exhibits thereto submitted in
 5 response to the Court’s February 7, 2013 Order to Show Cause. Mr. Gibbs objects
 6 to the Supplemental Declaration of Morgan Pietz and Declarations of Bart Huffman
 7 and Camille D. Kerr on the grounds that they were untimely filed on February 20,
 8 2013 as the Court’s February 7, 2013 Order to Show Cause required the declarations
 9 to be filed by February 19, 2013. Mr. Gibbs also asserts the following objections:

11 **OBJECTIONS TO DECLARATION OF MORGAN E. PIETZ**

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
13 1. Declaration of Morgan E. Pietz, pg. 14 2 ¶ 4, as follows: My clients in the Prenda 15 cases, including this case, each received 16 letters from their ISPs informing them that 17 Prenda was attempting to subpoena their 18 identity as part of a lawsuit.	1. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.
19 2. Declaration of Morgan E. Pietz, pg. 20 2 ¶ 4, as follows: Generally, my clients 21 are the people who happen to pay the 22 Internet bill for their household, not 23 necessarily the people who actually 24 committed the alleged infringement or 25 other wrongful conduct.	2. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.
26 3. Declaration of Morgan E. Pietz, pg. 27 2 ¶ 4, as follows: However, Prenda	3. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal

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<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>constructs its lawsuits so as to make it unclear what exactly is the status of my clients.</p>	<p>Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> § 701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>4. Declaration of Morgan E. Pietz, pg. 2 ¶ 4, as follows: The complaint does not exactly come out and say that the ISP subscriber equals the John Doe defendant.</p>	<p>4. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> § 701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>5. Declaration of Morgan E. Pietz, pg. 2 ¶ 4, as follows: However, the requests for early discovery, seeking leave to issue ISP subpoenas, generally tend to conflate ISP subscriber with Doe defendant.</p>	<p>5. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §§701; Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>6. Declaration of Morgan E. Pietz, pg. 2 -3 ¶ 5, as follows: I am informed and believe that Chicago law partners John Steele (formerly a divorce attorney) and</p>	<p>6. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 Paul Hansemeier, of what was then called 2 Steele Hansemeier, PLLC, began filing 3 copyright infringement cases on behalf of 4 pornographers on or around September 2, 5 2010. <i>See, Hard Drive Prod's., Inc. v.</i> 6 <i>Does 1-100</i>, N.D. Ill. No. 1:10-cv-0506, 7 ECF No, 1, 9/2/10.</p>	<p>(<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>9 7. Declaration of Morgan E. Pietz, pg. 10 2 -3 ¶ 5, as follows: Steele Hansemeier's 11 efforts in this regard started to arouse 12 public attention starting at least as early as 13 November 15, 2010, which is the date of a 14 Chicago Tribune article talking about Mr. 15 Steele's "fight against porn piracy": 16 http://articles.chicagotribune.com/2010-11-15/news/ct-met-porn-attomey-20101115_1_face-lawsuit-anti-piracy-campaign-copyright-violators</p>	<p>7. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>20 8. Declaration of Morgan E. Pietz, pg. 21 3 ¶ 6, as follows: I am informed and 22 believe that since the early days of Steele 23 Hansemeier, in addition to Mr. Steele, 24 both Paul Hansemeier, an attorney, and 25 Paul's brother Peter Hansemeier, who is 26 purportedly knowledgeable about 27 computers, have played an active role in</p>	<p>8. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 the copyright litigation cases filed by this 2 firm. 3</p>	
<p>4 9. Declaration of Morgan E. Pietz, pg. 5 3 ¶ 6, as follows: Typically, Peter 6 Hansemeier would sign declarations in 7 Steele Hansemeier (and later, Prenda Law, 8 Inc.) copyright cases, averring that he had 9 logged IP addresses that were allegedly 10 used to download pornography illegally 11 using the BitTorrent file sharing protocol. 12</p>	<p>9. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>13 10. Declaration of Morgan E. Pietz, pg. 14 3 ¶ 7, as follows: It did not take long for 15 courts to begin expressing skepticism 16 about Prenda’s BitTorrent lawsuits. 17 18 19 20</p>	<p>10. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>21 11. Declaration of Morgan E. Pietz, pg. 22 3 ¶ 7, as follows: In early 2011, Judge 23 Milton Shadur of the Northern District of 24 Illinois, who sits in Chicago, where Steele 25 Hansemeier was originally based, 26 dismissed one of the firm’s early cases, 27 wherein Mr. Steele had sought to 28</p>	<p>11. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence;</p>

	<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>subpoena ISP subscriber information from all over the Country. <i>See CP Productions, Inc. v. Does 1-300</i>, No. 10-cv-6255 (N.D. Ill. March 2, 2011) (Shadur, Sen. J.) (minute order) (“This Court’s February 24, 2011 memorandum opinion and order has already sounded the death knell for this action, <i>which has abused the litigation system in more than one way.</i> But because the aggrieved Doe defendants continue to come out of the woodwork with motions to quash, indicating an unawareness of this Court’s dismissal of this action, [counsel John Steele] is ordered to appear in court on March 9, 2011 at 9:00 a.m. Counsel will be expected to discuss what steps should be taken to apprise all of the targeted “Doe” defendants that they will not be subject to any further trouble or expense as a result of this ill-fated (as well as ill-considered) lawsuit.”) (emphasis added); <i>see also Boy Racer, Inc. v. Does 1-22</i>, No. 11 C 2984, Slip Op. (N.D. Ill. May 9, 2011) (Shadur, Sen. J.) (noting that the Court “rejected attorney Steele’s effort to shoot first and</p>	<p>Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 identify his targets later,” and making 2 clear that suits against a “passel of 3 ‘Does’” would not get anywhere in that 4 Court).</p>	
<p>6 12. Declaration of Morgan E. Pietz, pg. 7 4 ¶ 8, as follows: Undeterred, Steele 8 Hansemeier actually expanded.</p>	<p>12. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>14 13. Declaration of Morgan E. Pietz, pg. 15 4 ¶ 8, as follows: I am informed and 16 believe that starting in March, 2011, 17 Steele Hansemeier, through attorney Brett 18 L. Gibbs in California, began filing cases 19 outside of Illinois.</p>	<p>13. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>23 14. Declaration of Morgan E. Pietz, pg. 24 4 ¶ 8, as follows: Mr, Gibbs, under the 25 banner of Steele Hansemeier, PLLC, filed 26 a slew of actions in the Northern District 27 of California on behalf of various</p>	<p>14. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 pornographers. <i>See, e.g., MCGIP, LLC v.</i> 2 <i>Does 1-18</i>, N.D. Cal. Case No. 12-cv- 3 1495, ECF No. 1, 3/28/11. 4 5</p>	<p>(<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>6 15. Declaration of Morgan E. Pietz, pg. 7 4 ¶ 8, as follows: Steele Hansemeier, 8 through other attorneys, also began filing 9 actions in other states around the country, 10 including the Southern District of Florida, 11 among other places. 12 13 14</p>	<p>15. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>15 16. Declaration of Morgan E. Pietz, pg. 16 4 ¶ 9, as follows: Since the early days of 17 Steele Hansemeier, the individuals noted 18 above have maintained the same website, 19 located at wefightpiracy.com. 20</p>	<p>16. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>21 17. Declaration of Morgan E. Pietz, pg. 22 4 ¶ 9, as follows: Exhibit A - True and 23 correct copies of several iterations of the 24 wefightpiracy.com website, showing how 25 it has changed over time, as downloaded 26 by me from web.archive.org, as well as a 27 screenshot from the site as it appeared live 28</p>	<p>17. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Improper Characterization of Evidence; Improper Authentication of</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
on January 14, 2013, are attached hereto as Exhibit A.	Document (<i>FRE</i> §901).
18. Declaration of Morgan E. Pietz, pg. 4 ¶ 10, as follows: I am informed and believe that in November of 2011, Steele Hansemeier, PLLC gave way to “Prenda Law, Inc.,” an entity organized under the laws of the State of Illinois.	18. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.
19. Declaration of Morgan E. Pietz, pg. 4 ¶ 10, as follows: Curiously, “Prenda Law, Inc.” appears to have been organized as a regular corporation, not a professional corporation.	19. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.
20. Declaration of Morgan E. Pietz, pg. 4 ¶ 10, as follows: Exhibit B - A true and correct copy of the entity detail for Prenda Law, Inc. on the Illinois Secretary of State website as of January 9, 2013 is attached hereto as Exhibit B.	20. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
21. Declaration of Morgan E. Pietz, pg.	21. Irrelevant (<i>FRE</i> §§401, 402);

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<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>4-5 ¶ 11, as follows: I am informed and believe that after the switch from Steele Hansemeier, PLLC to Prenda Law, Inc., the firm continued to file cases on behalf of the same group of clients, most, if not all of whom, produce pornography and/or hold some kind of copyright rights to pornography.</p>	<p>Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper authentication of document (<i>FRE</i> §901).</p>
<p>22. Declaration of Morgan E. Pietz, pg. 4-5 ¶ 11, as follows: These clients of Prenda included:</p> <ul style="list-style-type: none"> • AF Holdings, LLC; • Arte de Oaxaca, LLC; • Boy Racer, Inc.; • Bubble Gum Productions, LLC; • CP Productions, Inc.; • First Time Videos, LLC; • Future Blue, Inc.; • Guava, LLC; • Hard Drive Productions, Inc.; • Ingenuity 13, LLC; • Lightspeed Media Corporation; • MCGIP, LLC; • Millennium TGA, Inc.; • Openmind Solutions, Inc.; 	<p>22. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<ul style="list-style-type: none"> • Pacific Century International Ltd.; • Pink Lotus Entertainment LLC; • Sunlust Pictures, LLC; • VPR Internationale; 	
<p>23. Declaration of Morgan E. Pietz, pg. 4-5 ¶ 11, as follows: Between September 2, 2010 and February 24, 2012, Prenda filed over 118 copyright infringement actions in various federal courts around the country, against more than 15,000 John Doe Defendants, on behalf of some of the above entities.</p>	<p>23. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>24. Declaration of Morgan E. Pietz, pg. 5-6 ¶ 12, as follows: I am informed and believe that after the switch from Steele Hansemeier, LLC to Prenda Law, Inc., attorney Paul Duffy became the new nominal head of Prenda Law.</p>	<p>24. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>25. Declaration of Morgan E. Pietz, pg. 5-6 ¶ 12, as follows: John Steele and Brett Gibbs continued to file pleadings and communicate with opposing counsel on behalf of Prenda, but typically referred to themselves as “of counsel.”</p>	<p>25. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
	Characterization of Evidence.
<p>26. Declaration of Morgan E. Pietz, pg. 5-6 ¶ 12, as follows: Prenda also filed many cases through “local counsel” in various jurisdictions, where Prenda Law was not technically on the pleadings, but was actually steering the litigation. <i>See, e.g., Sunlust Pictures, Inc. v. Tuan Nguyen</i>, M.D. Fl. Case No. 8:12-CV-1685-T-35MAP.</p>	<p>26. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>27. Declaration of Morgan E. Pietz, pg. 5-6 ¶ 12, as follows: Exhibit C - A true and correct copy of a complaint filed by local counsel Matthew Jenkins of Nebraska, filed for Prenda on behalf of Lightspeed Media Corporation is attached hereto as <u>Exhibit C</u>.</p>	<p>27. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>28. Declaration of Morgan E. Pietz, pg. 5-6 ¶ 12, as follows: This document shows how the email address used by local counsel on the leadings was Brett Gibbs’ email address, blgibbs@wefightpiracy.com.</p>	<p>28. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1</p> <p>2</p> <p>3 29. Declaration of Morgan E. Pietz, pg.</p> <p>4 5-6 ¶ 12, as follows: I do not believe this</p> <p>5 is an isolated incident, of local counsel</p> <p>6 from Prenda using Mr. Gibbs' email</p> <p>7 address on pleadings.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p>	<p>Evidence.</p> <p>29. Irrelevant (<i>FRE</i> §§401, 402);</p> <p>Lacks Foundation and/or Personal</p> <p>Knowledge (<i>FRE</i> §602); Hearsay</p> <p>(<i>FRE</i> §§801(c), 802); Improper</p> <p>Opinion (<i>FRE</i> §701); Speculation</p> <p>(<i>FRE</i> §602); Argumentative;</p> <p>Assumes Facts Not In Evidence;</p> <p>Improper Characterization of</p> <p>Evidence.</p>
<p>12 30. Declaration of Morgan E. Pietz, pg.</p> <p>13 6 ¶ 13, as follows: I am informed and</p> <p>14 believe that as of April 12, 2012, John</p> <p>15 Steele was still identifying himself as "of</p> <p>16 counsel" to Prenda Law, Inc.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p>	<p>30. Irrelevant (<i>FRE</i> §§401, 402);</p> <p>Lacks Foundation and/or Personal</p> <p>Knowledge (<i>FRE</i> §602); Hearsay</p> <p>(<i>FRE</i> §§801(c), 802); Speculation</p> <p>(<i>FRE</i> §602); Argumentative;</p> <p>Assumes Facts Not In Evidence;</p> <p>Improper Characterization of</p> <p>Evidence.</p>
<p>21 31. Declaration of Morgan E. Pietz, pg.</p> <p>22 6 ¶ 13, as follows: Exhibit D - Attached</p> <p>23 hereto as Exhibit D is a true and correct</p> <p>24 copy of <i>a pro hac vice</i> application Mr.</p> <p>25 Steele filed in an important mutli-Doe</p> <p>26 case pending in Washington, D.C. <i>AF</i></p> <p>27 <i>Holdings, LLC v. Does 1-1058</i>, D.D.C.</p> <p>28</p>	<p>31. Irrelevant (<i>FRE</i> §§401, 402);</p> <p>Lacks Foundation and/or Personal</p> <p>Knowledge (<i>FRE</i> §602); Hearsay</p> <p>(<i>FRE</i> §§801(c), 802); Speculation</p> <p>(<i>FRE</i> §602); Argumentative;</p> <p>Assumes Facts Not In Evidence;</p> <p>Improper Characterization of</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
No. 12-cv-0048-BAH, ECF No. 32, 4/20/12.	Evidence; Improper Authentication of Document (<i>FRE</i> §901).
<p>32. Declaration of Morgan E. Pietz, pg. 6 ¶ 13, as follows: In the application, Mr. Steele recites that he is “of counsel with the law firm of Prenda Law, Inc.”</p>	<p>32. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>33. Declaration of Morgan E. Pietz, pg. 6 ¶ 14, as follows: I am informed and believe that where courts have allowed Prenda to utilize the subpoena power to obtain subscriber information from ISPs, over ISP and subscriber objections, the result has been a stream of unrelenting, debt collector style harassment, all designed to pressure these ISP subscribers to quickly settle their cases.</p>	<p>33. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>34. Declaration of Morgan E. Pietz, pg. 6 ¶ 14, as follows: Prenda sends out misleading demand letters.</p>	<p>34. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative;</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
	Assumes Facts Not In Evidence; Improper Characterization of Evidence.
<p>35. Declaration of Morgan E. Pietz, pg. 6 ¶ 14, as follows: Exhibit E - A true and correct copy of such a letter is attached hereto as <u>Exhibit E</u>.</p>	<p>35. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>36. Declaration of Morgan E. Pietz, pg. 6 ¶ 15, as follows: In particular, note how the letter, on page 1, identifies “Your IP address you were assigned <i>during your illegal activity</i>.” <i>Id.</i> p.1 (emphasis added).</p>	<p>36. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>37. Declaration of Morgan E. Pietz, pg. 6 ¶ 15, as follows: Thus the letters sent to ISP subscribers tend to conflate the ISP subscriber with the actual infringer.</p>	<p>37. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper</p>

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<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
	Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.
<p>38. Declaration of Morgan E. Pietz, pg. 6 ¶ 15, as follows: Another scare tactic are the citations to cases awarding astronomical statutory damages, without explaining the importance of willfulness into the calculation of such damages. <i>Id.</i> p. 2.</p>	<p>38. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>39. Declaration of Morgan E. Pietz, pg. 6-7 ¶ 16, as follows: I am informed and believe that once Prenda has obtained a subscriber’s information, in addition to sending out demand letters, it also begins calling that person incessantly, with threats that if they do not settle, they will be “named” in a federal lawsuit accusing them of illegally downloading pornography.</p>	<p>39. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>40. Declaration of Morgan E. Pietz, pg. 6-7 ¶ 16, as follows: I have never</p>	<p>40. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 received one of these phone calls 2 personally, but multiple potential and 3 actual clients of mine have told me much 4 the same story in this regard: sometimes 5 as many as three phone calls a day, 6 sometimes non for a month, but then they 7 would start back up again, according to no 8 discernible pattern. 9</p>	<p>Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>10 41. Declaration of Morgan E. Pietz, pg. 11 7 ¶ 17, as follows: Similarly, I am 12 informed and believe, because several 13 potential and actual clients have told me 14 so, that the phone calls included so-called 15 “robo-calls,” where it was a machine 16 doing the dialing. <i>See:</i> 17 <a href="http://dietrolldie.com/2012/06/16/prenda-
 18 robo-calls-stupidity-gone-automatic/">http://dietrolldie.com/2012/06/16/prenda- 19 robo-calls-stupidity-gone-automatic/</p>	<p>41. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>20 42. Declaration of Morgan E. Pietz, pg. 21 7 ¶ 18, as follows: I am informed and 22 believe that most of the people working in 23 the Prenda call centers are not attorneys. 24 25 26 27 28</p>	<p>42. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
	Evidence.
<p>43. Declaration of Morgan E. Pietz, pg. 7 ¶ 18, as follows: Rather, they are similar to professional telemarketers or debt collectors, who often work from specific guidelines, and are possibly paid on commission.</p>	<p>43. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>44. Declaration of Morgan E. Pietz, pg. 7 ¶ 18, as follows: The common theme in these harassing communications is pressure to “settle.”</p>	<p>44. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>45. Declaration of Morgan E. Pietz, pg. 7-8 ¶ 19, as follows: I am informed and believe that in February 2012, Prenda Law was forced to make a damaging admission by Judge Lucy Koh of the Northern District of California.</p>	<p>45. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); S Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence;</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
	Improper Characterization of Evidence.
<p>46. Declaration of Morgan E. Pietz, pg. 7-8 ¶ 19, as follows: After initially allowing subpoenas but then becoming suspicious of Prenda’s attempt to obtain an extension of the Rule 4(m) service of process deadline, Judge Koh ordered Mr. Brett Gibbs to file a “list of the BitTorrent copyright infringement cases involving multiple joined John Doe Defendants filed [by] Plaintiffs counsel’s law firm or predecessor firm in federal court.</p>	<p>46. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>47. Declaration of Morgan E. Pietz, pg. 7-8 ¶ 19, as follows: Identify the case by name, case number, court, and filing date.</p>	<p>47. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>48. Declaration of Morgan E. Pietz, pg. 7-8 ¶ 19, as follows: For each case, indicate how many Doe defendants were actually served.” <i>AF Holdings v. Does 1-</i></p>	<p>48. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>135, N.D. Cal. Case No. 5:11-cv-0336-LHK, ECF No. 42, 2/23/12.</p>	<p>Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>49. Declaration of Morgan E. Pietz, pg. 7-8 ¶ 19, as follows: Judge Koh asked just the right question.</p>	<p>49. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>50. Declaration of Morgan E. Pietz, pg. 7-8 ¶ 19, as follows: The next day, Mr. Gibbs filed a status report with an Exhibit disclosing that over the year and a half prior, Prenda Law f/k/a Steele Hansemeier, had filed <i>118 multiple-defendant cases, against a staggering 15,878 Doe defendants, but they had served zero (0) John Does</i> in any of these cases. <i>Id.</i>, at ECF No, 43-1, 2/24/12. pp. 4-6.</p>	<p>50. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>51. Declaration of Morgan E. Pietz, pg.</p>	<p>51. Irrelevant (<i>FRE</i> §§401, 402);</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 2 7-8 ¶ 19, as follows: Exhibit F - A true 3 and correct copy of this Exhibit A to the 4 status report, which lists Prenda' cases, is 5 attached hereto as <u>Exhibit F</u>.</p>	<p>Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>10 52. Declaration of Morgan E. Pietz, pg. 11 7-8 ¶ 19, as follows: Specifically, the 12 status report stated, as to the list of the 118 13 cases, "Although our records indicate that 14 we have filed suits against individual 15 copyright infringement defendants, our 16 records indicate that no defendants have 17 been served in any of the below-listed 18 cases."</p>	<p>52. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Characterization of Evidence.</p>
<p>19 53. Declaration of Morgan E. Pietz, pg. 20 8 ¶ 20, as follows: I am informed and 21 believe that once word of this admission 22 by Prenda got out (defense attorneys 23 began including the status report as an 24 exhibit to motions to quash in other cases) 25 Prenda rightly recognized that in order to 26 have any credibility with both the courts 27 and the people it was threatening with</p>	<p>53. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 2 3 4 5 6 7 8 9 10 11 12</p> <p>suit, it was going to have to start naming and serving some people.</p>	
<p>13 14 15 16 17 18 19 20 21 22</p> <p>54. Declaration of Morgan E. Pietz, pg. 8 ¶ 20, as follows: So, from a list of what I suspect must be several thousand ISP subscribers who it has identified in prior court actions where the courts allowed the ISP subpoenas, Prenda started naming and serving some individual defendants, a few at a time.</p>	<p>54. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>23 24 25 26 27 28</p> <p>55. Declaration of Morgan E. Pietz, pg. 8 ¶ 20, as follows: Once it did start serving people, Prenda used the opportunity to create a section on its website where it could publicly shame the defendants it went after individually, with searchable links to their names, and to the case documents, as a warning to the many John Doe's its "settlement negotiators" were still actively pursuing.</p>	<p>55. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>56. Declaration of Morgan E. Pietz, pg. 8 ¶ 20, as follows: As of January 11, 2013, this section of Prenda's website lists 140 cases against individual, named defendants (although many of these suits</p>	<p>56. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 2 have already been dismissed, usually 3 without prejudice, at the first hint of 4 litigation difficulty).</p>	<p>(<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>6 57. Declaration of Morgan E. Pietz, pg. 7 8 ¶ 20, as follows: Each of these listings 8 identifies the plaintiff by name.</p>	<p>57. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>15 58. Declaration of Morgan E. Pietz, pg. 16 8 ¶ 20, as follows: The page also 17 separately lists 208 lawsuits Prenda has 18 filed against John Does, which are 19 described as “Recent Cases Against Soon- 20 to-be-Identified Individuals.” See 21 <a href="http://wefightpiracy.com/suits-against-
22 individuals.php">http://wefightpiracy.com/suits-against- 23 individuals.php, as of January 11, 2013.</p>	<p>58. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>24 59. Declaration of Morgan E. Pietz, pg. 25 8-9 ¶ 21, as follows: I am informed and 26 believe that on multiple occasions, in half- 27 hearted attempts to request an extension of</p>	<p>59. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper</p>

	<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>the Rule 4(m) deadline, but explain why no service has yet been effected in his case, Mr. Gibbs has explained that the lack of service should be excused because he cannot, consistent with Rule 11(b)(3), form the “reasonable basis” necessary to support a factual allegation that an ISP subscriber <i>is the actual infringer</i> without some kind of further discovery beyond the mere fact that a person happens to pay the Internet bill. <i>Hard Drive Prod’s, v. Doe</i>, N.D. Cal. Case No. 22-1566, ECF No. 29, 11/11/11 (status report filed by Brett Gibbs); <i>see also Boy Racer, Inc. v. Does 1-52</i>, 2011 WL 7402999 (N.D. Cal, 2011) (Mr. Gibbs admitted that the ISP subpoenas “were not sufficient to ‘fully identify’ ‘each P2P network user suspected of violating the plaintiffs copyright’”); <i>Hard Drive Productions v. Doe</i>, No. 4:11-cv-05634-PJH, ECF No. 9, pp. 9-10, 1/6/12 (plaintiffs ex parte application for further discovery, seeking leave to depose an ISP subscriber) (Mr. Gibbs represented to the Court that “Plaintiff must conduct additional limited</p>	<p>Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 2 ex parte discovery [beyond the subpoenas 3 which had already been issued] to 4 determine who should be named as the 5 defendant in this case.”).</p>	
<p>6 60. Declaration of Morgan E. Pietz, pg. 7 8-9 ¶ 21, as follows: Footnote 1 - 8 Generally, a case that is nominally still 9 pending against someone is more effective 10 as settlement leverage than is a case that 11 has been fully terminated.</p>	<p>60. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>14 61. Declaration of Morgan E. Pietz, pg. 15 8-9 ¶ 21, as follows: Thus, Prenda 16 generally tries to keep its cases alive, on 17 life support, for as long as possible, but 18 while doing as little actual litigating as 19 possible.</p>	<p>61. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>22 62. Declaration of Morgan E. Pietz, pg. 23 9-10 ¶ 22, as follows: Further, I am 24 informed and believe that Mr. Gibbs has 25 been specifically warned by Judge 26 Seeborg of the Northern District of 27 California that, based on his admission</p>	<p>62. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative;</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 that the ISP address alone is not enough to 2 justify naming and serving someone with 3 a pornography complaint, threatening to 4 actually name and serve an ISP subscriber 5 is inappropriate. 6</p>	<p>Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>7 63. Declaration of Morgan E. Pietz, pg. 8 9-10 ¶ 22, as follows: Specifically, 9 “Given plaintiffs’ admission that it 10 lacks knowledge as to whether 11 Wang [an ISP subscriber] is 12 responsible for the alleged 13 infringement, <i>naming her as a</i> 14 <i>defendant at this juncture would</i> 15 <i>present a serious Rule 11 issue.</i> As 16 such, the argument has the 17 appearance of an improper threat.” 18 <i>Hard Drive Productions, Inc. v.</i> 19 <i>John Doe, No. 4:11-cv-05630</i> 20 (Order Granting Leave to Issue 21 Deposition Subpoena)(N.D. Cal, 22 January 18, 2012)(ECF No, 10 at 2) 23 (emphasis added).</p>	<p>63. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>24 64. Declaration of Morgan E. Pietz, pg. 25 9-10 ¶ 22, as follows: In short, Mr. Gibbs 26 has both admitted, and been specifically 27 warned by a federal Judge, that something 28</p>	<p>64. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 2 more is required, beyond the mere fact 3 that someone happens to pay the Internet 4 bill, in order to justify naming and serving 5 that person with a complaint in a case like 6 this.</p>	<p>Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>7 65. Declaration of Morgan E. Pietz, pg. 8 10 ¶ 23, as follows: Despite the above 9 admissions and specific warning from 10 Judge Seeborg on Rule 11, I am 11 personally aware of at least two occasions 12 where Mr. Gibbs of Prenda law has 13 actually done precisely the opposite, and 14 gone ahead and named and served 15 someone (or tried to do so) based on the 16 fact that they were the account billing 17 contact identified by the ISP.</p>	<p>65. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>18 66. Declaration of Morgan E. Pietz, pg. 19 10 ¶ 23, as follows: In both instances, 20 Prenda has tried to defend itself by saying 21 that it did perform some kind of online 22 Internet investigation.</p>	<p>66. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>26 67. Declaration of Morgan E. Pietz, pg. 27 10 ¶ 23, as follows: But in both</p>	<p>67. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 instances, the investigation was a farce 2 and the “facts” supposedly yielded by the 3 investigation were so wildly incorrect that 4 one has to wonder whether Prenda was not 5 really just making these “facts” up. 6 7</p>	<p>Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>8 68. Declaration of Morgan E. Pietz, pg. 9 10-11 ¶ 24, as follows: The first example 10 of Prenda’s bad faith in naming and 11 serving an ISP subscriber that I am aware 12 of concerns my client Jesse Nason. 13 14 15</p>	<p>68. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>16 69. Declaration of Morgan E. Pietz, pg. 17 10-11 ¶ 24, as follows: Facing a 18 “stiffening judicial headwind” in federal 19 court a newer Prenda law tactic is to dress 20 copyright infringement claims up in state 21 law and “computer fraud” clothing, in 22 order to file suit in state courts. 23</p>	<p>69. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>24 70. Declaration of Morgan E. Pietz, pg. 25 10-11 ¶ 24, as follows: Such was the 26 case in <i>Lightspeed Media Corporation v.</i> 27 <i>John Doe</i>, Circuit Court of St. Clair 28</p>	<p>70. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
County, IL, No. 11 L 683.	<i>(FRE §602)</i> ; Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.
71. Declaration of Morgan E. Pietz, pg. 10-11 ¶ 24, as follows: In that original Lightspeed case, Prenda, on behalf of Lightspeed, filed suit against a single John Doe, alleging claims for violations of the federal Computer Fraud and Abuse Act (18 U.S.C. § 1030 <i>et seq.</i>) (“CFAA”) as well as several state law claims that were all pre-empted by the Copyright Act.	71. Irrelevant (<i>FRE §§401, 402</i>); Lacks Foundation and/or Personal Knowledge (<i>FRE §602</i>); Improper Opinion (<i>FRE §701</i>); Speculation (<i>FRE §602</i>); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.
72. Declaration of Morgan E. Pietz, pg. 10-11 ¶ 24, as follows: In addition to seeking ISP information for this single defendant, Prenda also sought to subpoena a list of 6,600 IP addresses for supposed “co-conspirators,” located all over the country, who had supposedly assisted the lead defendant in his “password hacking” and computer fraud.	72. Irrelevant (<i>FRE §§401, 402</i>); Lacks Foundation and/or Personal Knowledge (<i>FRE §602</i>); Speculation (<i>FRE §602</i>); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.
73. Declaration of Morgan E. Pietz, pg. 10-11 ¶ 24, as follows: Mr. Nason was not given the required notice by his ISP, so he was not able to object to the	73. Irrelevant (<i>FRE §§401, 402</i>); Lacks Foundation and/or Personal Knowledge (<i>FRE §602</i>); Hearsay (<i>FRE §§801(c), 802</i>); Improper

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 subpoena seeking his information.</p>	<p>Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>7 74. Declaration of Morgan E. Pietz, pg. 8 10-11 ¶ 24, as follows: Although some 9 ISPs later objected to these subpoenas, 10 resulting in the Illinois Supreme Court 11 stepping in to issue a “supervisory order” 12 curtailing the IP address discovery issuing 13 out of St. Clair County, Mr. Nason’s ISP 14 simply handed Mr. Nason’s info over 15 before any of that played out.</p>	<p>74. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>16 75. Declaration of Morgan E. Pietz, pg. 17 10-11 ¶ 24, as follows: A few months 18 after his information was released by his 19 ISP, a process sever showed up on Mr. 20 Nason’s doorstep, and he was served in 21 <i>Lightseed Media Corporation v. Nason</i>, 22 Los Angeles Superior Court No. 23 NC057950.</p>	<p>75. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>25 76. Declaration of Morgan E. Pietz, pg. 26 10-11 ¶ 24, as follows: When Mr. Gibbs 27 was pressed at the first hearing in the 28</p>	<p>76. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 matter to explain how, based on the prior 2 admissions noted above, he could justify 3 having named and served Mr. Nason in a 4 public complaint, Mr. Gibbs responded 5 that Prenda had determined that Mr. 6 Nason “lived alone.” 7</p>	<p>(<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>8 77. Declaration of Morgan E. Pietz, pg. 9 10-11 ¶ 24, as follows: After I had a 10 chance to confer with my client, I learned 11 this was untrue; Mr, Nason has been 12 married for several years, and lives with 13 his wife. 14 15</p>	<p>77. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>16 78. Declaration of Morgan E. Pietz, pg. 17 10-11 ¶ 24, as follows: No other 18 justification for naming and serving Mr. 19 Nason was presented (other than that he 20 paid the Internet bill, and “lived alone,” 21 which was untrue). 22 23</p>	<p>78. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>24 79. Declaration of Morgan E. Pietz, pg. 25 10-11 ¶ 24, as follows: After Mr. Nason 26 had his first demurrer sustained, and all 27 the state law claims dismissed with 28</p>	<p>79. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 prejudice, on the eve of a second demurrer 2 being filed, Prenda dismissed the 3 remaining CFAA claim (without 4 prejudice, of course).</p>	<p>(FRE §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>6 80. Declaration of Morgan E. Pietz, pg. 7 10-11 ¶ 24, as follows: Exhibit G - A 8 true and correct copy of the Declaration of 9 Jesse Nason is attached hereto as <u>Exhibit</u> 10 <u>G.</u></p>	<p>80. Irrelevant (FRE §§401, 402); Lacks Foundation and/or Personal Knowledge (FRE §602); Hearsay (FRE §§801(c), 802); Improper Opinion (FRE §701); Speculation (FRE §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (FRE §901).</p>
<p>16 81. Declaration of Morgan E. Pietz, pg. 17 11 ¶ 25, as follows: The second concrete 18 example of Prenda's bad faith with respect 19 to naming and serving an ISP subscriber 20 that I am aware of occurred in <i>AF</i> 21 <i>Holdings LLC v. John Doe et al</i>, N.D. 22 Cal. No. 12-cv-2049, ECF No. 45, 1/7/13 23 in a case pending before Judge Hamilton.</p>	<p>81. Irrelevant (FRE §§401, 402); Lacks Foundation and/or Personal Knowledge (FRE §602); Hearsay (FRE §§801(c), 802); Improper Opinion (FRE §701); Speculation (FRE §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>25 82. Declaration of Morgan E. Pietz, pg. 26 11 ¶ 25, as follows: Prenda learned the 27 ISP subscriber's identity in that case from</p>	<p>82. Irrelevant (FRE §§401, 402); Lacks Foundation and/or Personal Knowledge (FRE §602); Hearsay</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1</p> <p>2 <i>AF Holdings v. Does 1-135</i>, N.D. Cal.</p> <p>3 Case No. 5:1 l-cv-0336-LHK, which was</p> <p>4 the same case where Judge Koh ordered</p> <p>5 Mr. Gibbs to file the now infamous status</p> <p>6 report.</p> <p>7</p>	<p>(<i>FRE</i> §§801(c), 802); Improper</p> <p>Opinion (<i>FRE</i> §701); Speculation</p> <p>(<i>FRE</i> §602); Argumentative;</p> <p>Assumes Facts Not In Evidence;</p> <p>Improper Characterization of</p> <p>Evidence.</p>
<p>8 83. Declaration of Morgan E. Pietz, pg.</p> <p>9 11 ¶ 25, as follows: Prior to the earlier</p> <p>10 case being dismissed by Judge Koh on</p> <p>11 March 27, 2012 (1 l-cv-336, ECF No. 45)</p> <p>12 for failure to serve, however, an ISP</p> <p>13 subpoena was processed resulting in the</p> <p>14 identification of one Josh Hatfield as the</p> <p>15 ISP billing contact who paid for an</p> <p>16 account that was assigned one of the</p> <p>17 allegedly infringing IP addresses at issue.</p>	<p>83. Irrelevant (<i>FRE</i> §§401, 402);</p> <p>Lacks Foundation and/or Personal</p> <p>Knowledge (<i>FRE</i> §602); Hearsay</p> <p>(<i>FRE</i> §§801(c), 802); Improper</p> <p>Opinion (<i>FRE</i> §701); Speculation</p> <p>(<i>FRE</i> §602); Argumentative;</p> <p>Assumes Facts Not In Evidence;</p> <p>Improper Characterization of</p> <p>Evidence.</p>
<p>18 84. Declaration of Morgan E. Pietz, pg.</p> <p>19 11-12 ¶ 26, as follows: I am informed and</p> <p>20 believe that on April 24, 2012, Prenda</p> <p>21 filed a complaint asserting claims for</p> <p>22 copying infringement and contributory</p> <p>23 copyright infringement against an</p> <p>24 unidentified Doe defendant, and another</p> <p>25 cause of action for negligence against Josh</p> <p>26 Hatfield (the 12-cv-2049 action).</p>	<p>84. Irrelevant (<i>FRE</i> §§401, 402);</p> <p>Lacks Foundation and/or Personal</p> <p>Knowledge (<i>FRE</i> §602); Hearsay</p> <p>(<i>FRE</i> §§801(c), 802); Speculation</p> <p>(<i>FRE</i> §602); Assumes Facts Not In</p> <p>Evidence; Improper</p> <p>Characterization of Evidence.</p>
<p>27 85. Declaration of Morgan E. Pietz, pg.</p> <p>28</p>	<p>85. Irrelevant (<i>FRE</i> §§401, 402);</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>11-12 ¶ 26, as follows: The initial complaint in the 12-cv-2049 action did not assert claims for copyright infringement against Hatfield.</p>	<p>Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>86. Declaration of Morgan E. Pietz, pg. 11-12 ¶ 26, as follows: Instead, the gravamen of the negligence claim against Hatfield was that he failed to secure his Internet network.</p>	<p>86. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>87. Declaration of Morgan E. Pietz, pg. 11-12 ¶ 26, as follows: After Hatfield moved to dismiss the negligence claim, Prenda filed a first amended complaint (“FAC”) asserting copyright infringement against the Doe, “and a claim of negligence against Hatfield, based on alleged third party’s use of Hatfield’s Internet connection to commit the infringement, and Hatfield’s failure to secure this Internet connection and/or failure to monitor the unidentified third party’s use of his Internet connection.” <i>AF</i></p>	<p>87. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 <i>Holdings LLC v. John Doe et al.</i>, N.D. 2 Cal. No. 12-cv-2049, ECF No. 45, 1/7/13, 3 p. 3.</p>	
<p>5 88. Declaration of Morgan E. Pietz, pg. 6 11-12 ¶ 26, as follows: The FAC also 7 explained in a footnote on page 1 that “at 8 this stage of the litigation, [p]laintiff does 9 not know if [defendant Doe is the same 10 individual as Josh Hatfield.” FAC at 1, n.l.</p>	<p>88. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>12 89. Declaration of Morgan E. Pietz, pg. 13 11-12 ¶ 26, as follows: Hatfield then 14 moved to dismiss the negligence claim, 15 and the Court granted the motion, with 16 prejudice.</p>	<p>89. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>19 90. Declaration of Morgan E. Pietz, pg. 20 11-12 ¶ 26, as follows: The Court also 21 pointed out that the case was well past the 22 120-day Rule 4(m) service of process 23 deadline, and ordered the plaintiff to file a 24 proof of service by October 4, 2012.</p>	<p>90. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>26 91. Declaration of Morgan E. Pietz, pg. 27 11-12 ¶ 26, as follows: The plaintiff did</p>	<p>91. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 not do so.</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p>	<p>Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>7 92. Declaration of Morgan E. Pietz, pg.</p> <p>8 11-12 ¶ 26, as follows: Instead, it filed a</p> <p>9 motion on September 28, 2012, seeking</p> <p>10 leave to amend the complaint again, to</p> <p>11 now allege that Hatfield <i>was</i> the Doe</p> <p>12 defendant.</p> <p>13</p>	<p>92. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>14 93. Declaration of Morgan E. Pietz, pg.</p> <p>15 11-12 ¶ 26, as follows: I am informed and</p> <p>16 believe that a November 7, 2012, hearing</p> <p>17 on plaintiffs motion for leave to amend the</p> <p>18 complaint to allege that the ISP subscriber</p> <p>19 Hatfield actually was the Doe defendant</p> <p>20 being sued for copyright infringement,</p> <p>21 Judge Hamilton advised Mr. Gibbs that,</p> <p>22 “he would have to persuade the</p> <p>23 Court that he had discovered</p> <p>24 additional evidence, based on the</p> <p>25 same identification of a defendant</p> <p>26 that he had discovered additional</p> <p>27 evidence, based on the same</p> <p>28</p>	<p>93. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 identification of a defendant that he 2 had know about for more than a 3 year. The Court gave counsel one 4 week to submit a revised proposed 5 SAC that demonstrated diligence 6 and that supported the alleged ‘new 7 facts’ asserted by counsel,” 8</p>	
<p>9 94. Declaration of Morgan E. Pietz, pg. 10 11-12 ¶ 26, as follows: Mr. Gibbs did 11 indeed file a proposed revised second 12 amended complaint against Mr, Hatfield, 13 which contained a new section entitled 14 “Plaintiffs Further Investigation of 15 Defendant.”</p>	<p>94. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>16 95. Declaration of Morgan E. Pietz, pg. 17 13 ¶ 28, as follows: I am informed and 18 believe that as in the Nason case, the 19 “investigation” plaintiff claims to have 20 conducted in the Hatfield case was (a) 21 woefully insufficient as to methodology, 22 and (b) resulted in wildly incorrect 23 “facts.”</p>	<p>95. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>24 96. Declaration of Morgan E. Pietz, pg. 25 13 ¶ 28, as follows: Judge Hamilton’s 26 order denying the motion for leave to 27 amend the complaint, a true and correct 28</p>	<p>96. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 copy of which is attached hereto as</p> <p>2 Exhibit H explains all of the ways</p> <p>3 “Plaintiffs Further Investigation of</p> <p>4 Defendant” which appears to have mainly</p> <p>5 consisted of a bit of light google</p> <p>6 searching, was insufficient.</p>	<p>Opinion (<i>FRE</i> §701); Speculation</p> <p>(<i>FRE</i> §602); Argumentative;</p> <p>Assumes Facts Not In Evidence;</p> <p>Improper Characterization of</p> <p>Evidence.</p>
<p>8 97. Declaration of Morgan E. Pietz, pg.</p> <p>9 13 ¶ 28, as follows: Exhibit H - Judge</p> <p>10 Hamilton’s order denying the motion for</p> <p>11 leave to amend the complaint, a true and</p> <p>12 correct copy of which is attached hereto as</p> <p>13 Exhibit H explains all of the ways</p> <p>14 “Plaintiffs Further Investigation of</p> <p>15 Defendant” which appears to have mainly</p> <p>16 consisted of a bit of light google</p> <p>17 searching, was insufficient.</p>	<p>97. Irrelevant (<i>FRE</i> §§401, 402);</p> <p>Lacks Foundation and/or Personal</p> <p>Knowledge (<i>FRE</i> §602); Hearsay</p> <p>(<i>FRE</i> §§801(c), 802); Improper</p> <p>Opinion (<i>FRE</i> §701); Speculation</p> <p>(<i>FRE</i> §602); Argumentative;</p> <p>Assumes Facts Not In Evidence;</p> <p>Improper Characterization of</p> <p>Evidence.</p>
<p>18 98. Declaration of Morgan E. Pietz, pg.</p> <p>19 13 ¶ 28, as follows: However, even more</p> <p>20 notably, as in the Nason case, the “facts”</p> <p>21 Prenda came up with are wildly incorrect.</p> <p>22 In large measure, Mr. Gibbs explained his</p> <p>23 “good faith” belief that Mr. Hatfield was</p> <p>24 the actual infringer by pointing to</p> <p>25 facebook and Myspace pages <i>that do not</i></p> <p>26 <i>actually belong to Mr. Hatfield.</i></p>	<p>98. Irrelevant (<i>FRE</i> §§401, 402);</p> <p>Lacks Foundation and/or Personal</p> <p>Knowledge (<i>FRE</i> §602); Improper</p> <p>Opinion (<i>FRE</i> §701); Speculation</p> <p>(<i>FRE</i> §602); Argumentative;</p> <p>Assumes Facts Not In Evidence;</p> <p>Improper Characterization of</p> <p>Evidence.</p>
<p>27 99. Declaration of Morgan E. Pietz, pg.</p>	<p>99. Irrelevant (<i>FRE</i> §§401, 402);</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>13 ¶ 28, as follows: Exhibit I - A true and correct copy of Mr. Hatfield’s declaration swearing to this is attached as Exhibit I.</p>	<p>Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>100. Declaration of Morgan E. Pietz, pg. 13 ¶ 28, as follows: Just as Prenda’s “investigation” supposedly revealed that Mr. Nason “lived alone,” when he had been married for years, the “investigation” of Mr. Hatfield resulted in Prenda submitting to the Court facebook and Myspace pages that did not actually belong to Mr. Hatfield.</p>	<p>100. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>101. Declaration of Morgan E. Pietz, pg. 13-14 ¶ 29, as follows: I am informed and believe that starting in November of 2012, facts began to come to light regarding one Alan Cooper of Minnesota, all of which seem to suggest that Prenda has been engaged in systemic fraud, both on the courts and on the copyright office;</p>	<p>101. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of</p>

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<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
forgery; identity theft, as well as improper fee splitting, and concealment of the identity of the real parties in interest in these cases, among other very troubling issues.	Evidence.
102. Declaration of Morgan E. Pietz, pg. 13-14 ¶ 29, as follows: My knowledge of the Alan Cooper issues is based primarily on two sources: (i) a letter Mr. Cooper’s attorney filed on his behalf in two AF Holdings cases pending in Minnesota, a true and correct copy of which is attached hereto as <u>Exhibit J:</u> and (ii) a sworn affidavit executed by Mr. Cooper himself, a true and correct copy of which is attached hereto as <u>Exhibit K.</u>	102. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.
103. Declaration of Morgan E. Pietz, pg. 13-14 ¶ 29, as follows: Exhibit J - (i) a letter Mr. Cooper’s attorney filed on his behalf in two AF Holdings cases pending in Minnesota, a true and correct copy of which is attached hereto as <u>Exhibit J:</u>	103. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
104. Declaration of Morgan E. Pietz, pg.	104. Irrelevant (<i>FRE</i> §§401, 402);

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>13-14 ¶ 29, as follows: Exhibit K - (ii) a sworn affidavit executed by Mr. Cooper himself, a true and correct copy of which is attached hereto as Exhibit K.</p>	<p>Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>105. Declaration of Morgan E. Pietz, pg. 14 ¶ 30, as follows: Specifically, I am informed and believe that there is a gentleman from Minnesota named Alan Cooper who formerly worked as a caretaker on a property owned by John Steele. <u>Exhibit J</u>; <u>Exhibit K</u> ¶4.</p>	<p>105. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>106. Declaration of Morgan E. Pietz, pg. 14 ¶ 31, as follows: I am informed and believe that Mr. Steele bragged to his caretaker Alan Cooper about a copyright scheme <u>Exhibit J</u>, p 1., and, according to Mr. Cooper “Steele had told me on at least one occasion that if anyone asked about companies that I should call him.” <u>Appendix 2</u>, ¶8.</p>	<p>106. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>107. Declaration of Morgan E. Pietz, pg. 14 ¶ 32, as follows: I am informed and believe that after this Minnesota Mr. Cooper became suspicious, and searched online, he found out that Prenda Law had been using the name “Alan Cooper” as the supposed principal of AF Holdings and Ingenuity 13, in various federal court filings, including copyright assignment forms, and verifications filed on behalf of Ingenuity 13, all of which were purportedly executed by “Alan Cooper” on behalf of these entities. <u>Exhibit J</u>. (Exhibit E thereto, page 8 of 8).</p>	<p>107. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>108. Declaration of Morgan E. Pietz, pg. 14 ¶ 33, as follows: I am informed and believe that, concerned about his potential personal liability in connection with the scores of Ingenuity 13 and AF Holdings copyright infringement lawsuits pending across the country, Mr. Cooper hired a lawyer named Paul Godfread who asked Prenda Law to confirm that there was another Alan Cooper who is the true principal of AF Holdings and Ingenuity 13, and that the identity of Alan Cooper of</p>	<p>108. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>		
1 2 Minnesota is not being misappropriated. 3 <u>Exhibit J.</u>			
4 109. Declaration of Morgan E. Pietz, pg. 5 14 ¶ 34, as follows: I am informed and 6 believe that immediately after Mr. 7 Cooper’s attorney filed a notice of 8 appearance on Mr. Cooper’s behalf in an 9 AF Holdings case pending in Minnesota, 10 John Steele attempted to call Mr. Cooper 11 multiple times, despite the fact that Mr. 12 Cooper was represented by counsel. 13 <u>Exhibit J.</u>	109. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.		
14 110. Declaration of Morgan E. Pietz, pg. 15 15 ¶ 35, as follows: The signature used by 16 Alan Cooper of Minnesota on his lease 17 agreement with John Steele appears to be 18 somewhat similar to the “Alan cooper” 19 signature used on various copyright 20 assignments in Prenda’s AF Holdings 21 cases:	110. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.		
<table border="1"> <tr> <td data-bbox="289 1501 569 1900"> 22 <i>Image of</i> 23 <i>Authenticated</i> 24 <i>Signature of</i> 25 <i>Minnesota Alan</i> 26 <i>Cooper from His</i> 27 <i>Lease with John</i> 28 <i>Steele:</i>² </td> <td data-bbox="569 1501 949 1900"> <i>Image of “Alan</i> <i>Cooper”</i> <i>Signature Used</i> <i>on Copyright</i> <i>Assignment</i> <i>Filed in CD. Cal.</i> <i>I2-cv-S709</i> <i>(Low-number</i> <i>Case):</i>³ </td> </tr> </table>	22 <i>Image of</i> 23 <i>Authenticated</i> 24 <i>Signature of</i> 25 <i>Minnesota Alan</i> 26 <i>Cooper from His</i> 27 <i>Lease with John</i> 28 <i>Steele:</i> ²	<i>Image of “Alan</i> <i>Cooper”</i> <i>Signature Used</i> <i>on Copyright</i> <i>Assignment</i> <i>Filed in CD. Cal.</i> <i>I2-cv-S709</i> <i>(Low-number</i> <i>Case):</i> ³	
22 <i>Image of</i> 23 <i>Authenticated</i> 24 <i>Signature of</i> 25 <i>Minnesota Alan</i> 26 <i>Cooper from His</i> 27 <i>Lease with John</i> 28 <i>Steele:</i> ²	<i>Image of “Alan</i> <i>Cooper”</i> <i>Signature Used</i> <i>on Copyright</i> <i>Assignment</i> <i>Filed in CD. Cal.</i> <i>I2-cv-S709</i> <i>(Low-number</i> <i>Case):</i> ³		

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<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	
<p>111. Declaration of Morgan E. Pietz, pg. 15 ¶ 35, as follows: Footnote 2 - The signature pictured here is from the lease agreement between Mr. Steele and Mr. Cooper that was attached to the affidavit of Alan Cooper, which is attached hereto as <u>Exhibit K</u>.</p>	<p>111. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>112. Declaration of Morgan E. Pietz, pg. 15 ¶ 35, as follows: Footnote 3 - This signature pictured here was found on the last page of Exhibit B to the complaint in <i>AF Holdings, LLC v. John Doe et al.</i>, C.D. Cal. No. 12-cv-5709, at ECF No. 1, p. 18.</p>	<p>112. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>113. Declaration of Morgan E. Pietz, pg. 15-16 ¶ 36, as follows: I am informed and believe that another example of this mysterious Alan Cooper supposedly signing federal court documents, this time a verification to a Rule 27 petition filed under penalty of perjury, occurred in <i>In the Matter of a Petition by Ingenuity 13, LLC</i>, E.D. Cal. Case No. 11-mc-0084-JAM-DAD, ECF No. 1, p. 8 of 8, 10/28/11.</p>	<p>113. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>114. Declaration of Morgan E. Pietz, pg. 15-16 ¶ 36, as follows: Exhibit L - A true and correct copy of the petition Mr. Gibbs</p>	<p>114. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 filed on behalf of Ingenuity 13 in this 2 matter is attached hereto as Exhibit L. 3 4 5 6 7</p>	<p>(FRE §§801(c), 802); Speculation (FRE §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (FRE §901).</p>
<p>8 115. Declaration of Morgan E. Pietz, pg. 9 15-16 ¶ 36, as follows: A look at the 10 verification page reveals: (i) the petition is 11 verified with an electronic “/s/” signature 12 by “Alan Cooper, Manager of Ingenuity 13 13 LLC”; (ii) although the heading of the 14 verification page says “Notarized 15 Verification” there is no notary seal or 16 other notary information on the document; 17 (iii) instead, Mr. Gibbs himself swears 18 that “I, Brett L. Gibbs, Esq., hereby 19 confirm per Eastern District of California 20 Local Rule 131(f) that counsel for 21 Plaintiff has a signed original notarized 22 version of the above Verified Petition.”</p>	<p>115. Irrelevant (FRE §§401, 402); Lacks Foundation and/or Personal Knowledge (FRE §602); Hearsay (FRE §§801(c), 802); Improper Opinion (FRE §701); Speculation (FRE §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>23 116. Declaration of Morgan E. Pietz, pg. 24 16 ¶ 37, as follows: Since at least 25 November, Prenda has been dodging all 26 questions asked by Minnesota Alan 27 Cooper’s attorney, and by me, about 28</p>	<p>116. Irrelevant (FRE §§401, 402); Lacks Foundation and/or Personal Knowledge (FRE §602); Improper Opinion (FRE §701); Speculation (FRE §602); Argumentative;</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 whether there is another person with the name Alan Cooper who was the true principal of AF Holdings and Ingenuity 13.	Assumes Facts Not In Evidence; Improper Characterization of Evidence.
117. Declaration of Morgan E. Pietz, pg. 16 ¶ 37, as follows: Prenda refuses to say.	117. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.
118. Declaration of Morgan E. Pietz, pg. 16 ¶ 37, as follows: Exhibit M - A true and correct copy of and email chain showing my attempts to have Mr. Gibbs answer these questions, and his evasive responses, is attached hereto as <u>Exhibit M.</u>	118. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
119. Declaration of Morgan E. Pietz, pg. 16 ¶ 38, as follows: Both Mr. Cooper’s attorney and I have also asked Mr. Gibbs to produce a copy of the original notarized	119. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 Alan Cooper verification he was obligated 2 to maintain in the Rule 27 petition filed on 3 behalf of Ingenuti 13 in the Eastern 4 District of California. Mr. Gibbs has 5 refused to produce the original Alan 6 Copper signature. See <u>Exhibit M</u>.</p>	<p>Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>8 120. Declaration of Morgan E. Pietz, pg. 9 16-17 ¶ 39, as follows: I am informed and 10 believe that at almost the exact same time 11 the Alan Cooper allegations were coming 12 to light, another incident occurred at a 13 Florida hearing in a Prenda case, 14 involving a separate fraud on the court. In 15 <i>Sunlust Pictures, Inc. v. Tuan Nguyen</i>, 16 M.D. Fl. Case No. 8:12-CV-1685-T- 17 35MAP Judge Scriven ordered a principal 18 of Prenda Law, Inc. to attend a hearing on 19 a John Doe motion, and also ordered a 20 principal of Sunlust Pictures, the plaintiff 21 in that action, to attend the hearing as 22 well.</p>	<p>120. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>23 121. Declaration of Morgan E. Pietz, pg. 24 16-17 ¶ 39, as follows: Exhibit N - A true 25 and correct copy of the complete hearing 26 transcript is attached hereto as <u>Exhibit N</u>. 27 28</p>	<p>121. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Assumes Facts Not In Evidence; Improper</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
	Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
<p>122. Declaration of Morgan E. Pietz, pg. 16-17 ¶ 39, as follows: According to the transcript, Prenda’s purported “sole principal” Paul Duffy, belatedly notified the Court that he could not attend due to a health issue.</p>	<p>122. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>123. Declaration of Morgan E. Pietz, pg. 16-17 ¶ 39, as follows: After two prior local counsel sought to withdraw from the matter, Prenda placed an advertisement in a local newspaper and obtained a new, third local counsel (hired by plaintiff’s counsel here Brett Gibbs) who, after filing a notice of appearance and conferring with defense counsel, almost immediately sought to withdraw.</p>	<p>123. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>124. Declaration of Morgan E. Pietz, pg. 17 ¶ 40, as follows: I am informed and believe that Sunlust also did not send a principal to the Florida hearing; rather, it</p>	<p>124. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 sent John Steele’s former paralegal, a man 2 named Mark Lutz, as the plaintiffs 3 “corporate representative” for hire. 4 5 6</p>	<p>Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>7 125. Declaration of Morgan E. Pietz, pg. 8 17 ¶ 40, as follows: However, upon 9 questioning Mr. Lutz, Judge Scriven 10 quickly determined that Mr. Lutz had no 11 authority to bind the company, and that he 12 did not know who owned or managed it. 13 14 15</p>	<p>125. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>16 126. Declaration of Morgan E. Pietz, pg. 17 17 ¶ 40, as follows: Accordingly, despite 18 a Court order requiring them to do so, 19 neither Prenda Law nor its client Sunlust 20 Pictures sent a principal to the hearing. 21 22 23 24</p>	<p>126. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>25 127. Declaration of Morgan E. Pietz, pg. 26 17 ¶ 40, as follows: Note in particular 27 page 20 of the transcript where Judge 28</p>	<p>127. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 2 Scriven orders the purported “corporate 3 representative” for the plaintiff, Mark 4 Lutz (i.e., John Steele’s former paralegal), 5 away from the plaintiffs table and 6 dismisses the case for “failure to present a 7 lawful agent, for attempted fraud on the 8 Court by offering up a person who has no 9 authority to act on behalf of the 10 corporation as its corporate 11 representative” and invites a motion for 12 sanctions. <u>Exhibit N.</u></p>	<p>(<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>13 128. Declaration of Morgan E. Pietz, pg. 14 17 ¶ 40, as follows: Footnote 4 - 15 Although one person closely connected 16 with Prenda did attend the hearing: John 17 Steele sat in the gallery, and purported not 18 to be involved in the case, but after the 19 Court noticed Mr. Lutz constantly trying 20 to confer with Mr. Steele, the Judge asked 21 Mr. Steele who he was, and then asked 22 him for answers to some of her questions 23 about Sunlust Pictures, which Mr. Steele 24 provided. <u>Exhibit N.</u> p. 18:12-24.</p>	<p>128. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>25 129. Declaration of Morgan E. Pietz, pg. 26 17-18 ¶ 41, as follows: The combination 27 of: (i) the facts averred by Mr. Cooper of 28</p>	<p>129. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 Minnesota (Exhibits J and K): (ii) 2 Prenda’s almost comical attempts to 3 stonewall on the question of whether there 4 was another Alan Cooper who was the 5 true principal of AF Holdings and 6 Ingenuity 13, or answer any other 7 questions on these matters (<u>Exhibit M</u>); 8 (iii) Mr. Gibb’s refusal or inability to 9 produce the original Alan Cooper 10 verification page from the Eastern District 11 of California Rule 27 petition (<i>Id.</i>; <u>Exhibit</u> 12 <u>L</u>); and (iv) the facts revealed in the 13 Florida hearing transcript in Prenda’s 14 <i>Sunlust</i> case (<u>Exhibit N</u>), made me 15 extremely suspicious. 16</p>	<p>(<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>17 130. Declaration of Morgan E. Pietz, pg. 18 17-18 ¶ 41, as follows: Taken together, 19 these facts suggest a pattern of deception 20 with respect to who is really behind these 21 lawsuits. 22 23 24</p>	<p>130. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>25 131. Declaration of Morgan E. Pietz, pg. 26 17-18 ¶ 41, as follows: Specifically, it 27 appears that there is a pattern where, when 28</p>	<p>131. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 pressed, Prenda has fraudulently held out 2 close/former associates of John Steele as 3 purported representative for the purported 4 client in these cases. 5 6</p>	<p>Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>7 132. Declaration of Morgan E. Pietz, pg. 8 18 ¶ 42, as follows: Based on these 9 suspicions, I sought leave of court to 10 conduct limited early discovery into these 11 issues, on behalf of my putative John Doe 12 clients being threatened by Prenda.</p>	<p>132. Irrelevant (<i>FRE</i> §§401, 402); Improper Characterization of Evidence.</p>
<p>13 133. Declaration of Morgan E. Pietz, pg. 14 18 ¶ 42, as follows: On December 26, 15 2012, Judge Wright of the Central District 16 granted my application for leave to take 17 early discovery on the Alan Cooper 18 questions (<i>Ingenuity 13, LLC v. John Doe</i>, 19 <i>CD. Cal. No. 12-cv-8333-ODW, ECF No.</i> 20 <i>32</i>), and on January 4, 2013, I duly 21 propounded special interrogatories and 22 requests to produce documents seeking 23 answers about Alan Cooper.</p>	<p>133. Irrelevant (<i>FRE</i> §§401, 402); Improper Characterization of Evidence.</p>
<p>24 134. Declaration of Morgan E. Pietz, pg. 25 18 ¶ 42, as follows: As of today, Prenda 26 has not yet responded.</p>	<p>134. Irrelevant (<i>FRE</i> §§401, 402); Improper Characterization of Evidence.</p>
<p>27 135. Declaration of Morgan E. Pietz, pg. 28</p>	<p>135. Irrelevant (<i>FRE</i> §§401, 402);</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>18 ¶ 43, as follows: Like a snake shedding its skin, and for reasons that are not hard to imagine given the Florida hearing transcript (<u>Exhibit N</u>), among other reasons, it appears that Prenda has recently decided to try and rebrand itself (again) and is now moving away from the name Prenda Law, Inc.</p>	<p>Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>136. Declaration of Morgan E. Pietz, pg. 18 ¶ 43, as follows: Thus, I am informed and believe that starting around the first of 2013, letters issuing from Prenda’s offices in Chicago have issued under the letterhead of the “Anti-Piracy Law Group” rather than Prenda Law.</p>	<p>136. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>137. Declaration of Morgan E. Pietz, pg. 18 ¶ 44, as follows: Further, as of January 9, 2013, the Prenda law, Inc. entity registered in Illinois is listed as “not in good standing” with the Illinois Secretary of State. <u>Exhibit B</u>.</p>	<p>137. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>138. Declaration of Morgan E. Pietz, pg. 18 ¶ 45, as follows: However, there <i>is</i> an active listing in Illinois for an “Anti-Piracy Law Group LLC,” formed on November 8, 2012.</p>	<p>138. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>139. Declaration of Morgan E. Pietz, pg. 18 ¶ 45, as follows: Exhibit O - A true and correct copy of the Illinois Secretary of State business entity listing for the Anti-Piracy Law Group LLC, as of January 14, 2013, is attached hereto as <u>Exhibit O</u>.</p>	<p>139. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>140. Declaration of Morgan E. Pietz, pg. 18 ¶ 46, as follows: The Illinois business entity details for both Prenda Law, Inc. and the Anti-Piracy Law Group, LLC list the same Chicago address for the agent for service, of 161 North Clark Street, Suite 3200, Chicago, Illinois 60601.</p>	<p>140. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>141. Declaration of Morgan E. Pietz, pg.</p>	<p>141. Irrelevant (<i>FRE</i> §§401, 402);</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>18-19 ¶ 47, as follows: According to the footer at the bottom of the January 14, 2013 version of the wefightpiracy.com website, the content on the site “was prepared by Prenda Law Inc. (an Illinois law firm organized as a limited liability company with its principal office at 161 North Clark Street, Suite 3200, Chicago, Illinois 60601, Ph. 1-800-380-0840).”</p> <p><u>Exhibit A.</u></p>	<p>Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>142. Declaration of Morgan E. Pietz, pg. 19 ¶ 48, as follows: I am informed and believe that the Anti-Piracy Law Group, LLC is nothing more than a continuation of Prenda Law, Inc., which itself is nothing more than a continuation of Steele Hansemeier, PLLC.</p>	<p>142. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>

OBJECTIONS TO SUPPLEMENTAL DECLARATION OF MORGAN E. PIETZ

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1. Declaration of Morgan E. Pietz, pg. 2 ¶ 4, as follows: However, Prenda constructs is lawsuits so as to make it</p>	<p>1. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i></p>

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<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
unclear what exactly is the status of my clients.	§701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.
2. Declaration of Morgan E. Pietz, pg. 2 ¶ 4, as follows: The complaint does not exactly come out and say that the ISP subscriber equals the John Doe defendant.	2. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.
3. Declaration of Morgan E. Pietz, pg. 2 ¶ 4, as follows: However, the requests for early discovery, seeking leave to issue ISP subpoenas, generally tend to conflate ISP subscriber with Doe defendant.	3. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.
4. Declaration of Morgan E. Pietz, pg. 3 ¶ 7, as follows: Exhibit P - Attached as <u>Exhibit P</u> hereto is a true and correct copy of an email chain I received wherein Mr. Gibbs noticed me that Mr. Duffy would be substituting in to this case as counsel of record, and an email where Mr. Duffy attempted to	4. Irrelevant (<i>FRE</i> §§401, 402); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
meet and confer with on 12-cv-8333.	
<p>5. Declaration of Morgan E. Pietz, pg. 3 ¶ 8, as follows: Exhibit Q - Attached as <u>Exhibit Q</u> hereto is a true and correct copy of Cooper’s complaint for identify theft, etc.</p>	<p>5. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>6. Declaration of Morgan E. Pietz, pg. 3 ¶ 9, as follows: Exhibit R - Attached as <u>Exhibit R</u> hereto is a true and correct copy of documents identifying “Salt March” as the “owner” of AF Holdings.</p>	<p>6. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>7. Declaration of Morgan E. Pietz, pg. 3 ¶ 10, as follows: Exhibit S - Attached as <u>Exhibit S</u> hereto is a true and correct copy of a declaration attorney Nicholas Ranallo prepared regarding Anthony Saltmarsh.</p>	<p>7. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>8. Declaration of Morgan E. Pietz,</p>	<p>8. Irrelevant (<i>FRE</i> §§401, 402); Lacks</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
1 2 pg. 3 ¶ 11, as follows: Exhibit T - 3 Attached as <u>Exhibit T</u> hereto is a true 4 and correct copy of a website 5 registration document showing “Alan 6 Cooper” at an address in Phoenix 7 linked to, John Steele, his sister and 8 Anthony Slatmarsh.	Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
9 9. Declaration of Morgan E. Pietz, 10 pg. 3 ¶ 12, as follows: Exhibit U - 11 Attached as <u>Exhibit U</u> hereto is a true 12 and correct copy of the petition in the 13 St. Clair County Guava, LLC case, 14 which appears to be verified by “Alan 15 Moay” or “Alan Mony”. 16	9. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
17 10. Declaration of Morgan E. Pietz, 18 pg. 3 ¶ 13, as follows: Exhibit V - 19 Attached as <u>Exhibit V</u> hereto is a true 20 and correct copy of my reply in the St. 21 Clair County Guava, LLC case. 22 23 24 25	10. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
26 11. Declaration of Morgan E. Pietz, 27 pg. 3 ¶ 14, as follows: Exhibit W - 28	11. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 Attached as <u>Exhibit W</u> hereto is a true 2 and correct copy of the declaration 3 about the collusion in a Minnesota 4 Guava LLC case. 5 6 7</p>	<p>(FRE §602); Hearsay (FRE §§801(c), 802); Speculation (FRE §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (FRE §901).</p>
<p>8 12. Declaration of Morgan E. Pietz, 9 pg. 3 ¶ 15, as follows: Johns Steele 10 told me, in front of other, on February 11 13, 2013 in St. Clair County that he is 12 currently of counsel to Prenda Law.</p>	<p>12. Irrelevant (FRE §§401, 402); Hearsay (FRE §§801(c), 802); Improper Characterization of Evidence.</p>
<p>13 13. Declaration of Morgan E. Pietz, 14 pg. 3 ¶ 16, as follows: Exhibit X - 15 Attached as <u>Exhibit X</u> hereto is a true 16 and correct copy of a demand letter, 17 dated January 30, 2013, from the St. 18 Clair County case listing Mr. Gibbs as 19 in house counsel for Guava, LLC. 20 21</p>	<p>13. Irrelevant (FRE §§401, 402); Lacks Foundation and/or Personal Knowledge (FRE §602); Hearsay (FRE §§801(c), 802); Speculation (FRE §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (FRE §901).</p>
<p>22 14. Declaration of Morgan E. Pietz, 23 pg. 3 ¶ 17, as follows: Exhibit Y - 24 Attached as <u>Exhibit Y</u> hereto is a true 25 and correct copy of a letter Mr. Duffy 26 sent to Judge Scriven in Florida 27 wherein he represents that he is the sole 28</p>	<p>14. Irrelevant (FRE §§401, 402); Lacks Foundation and/or Personal Knowledge (FRE §602); Hearsay (FRE §§801(c), 802); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence;</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
principal of Prenda Law.	Improper Authentication of Document (<i>FRE</i> §901).
15. Declaration of Morgan E. Pietz, pg. 4 ¶ 18, as follows: Exhibit Z - Attached as <u>Exhibit Z</u> hereto is a true and correct copy of Mr. Duffy’s bio from the wefightpiracy.com website, accessed February 20, 2013.	15. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
16. Declaration of Morgan E. Pietz, pg. 3 ¶ 19, as follows: Exhibit AA - Attached as <u>Exhibit AA</u> hereto is a true and correct copy of John L. Steele’s LinkedIn profile where he states that he “sold [his] client book to Prenda Law in 2011.”	16. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
17. Declaration of Morgan E. Pietz, pg. 4 ¶ 20, as follows: Exhibit BB - Attached as <u>Exhibit BB</u> hereto is a true and correct copy of a complaint listing wherein Paul Hansemeier’s firm Alpha Law Firm, LLC represents Guava, LLC	17. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
in Minnesota.	Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
18. Declaration of Morgan E. Pietz, pg. 4 ¶ 21, as follows: Exhibit CC - Attached as <u>Exhibit CC</u> hereto is a true and correct copy of the LinkedIn profile for Michael Dugas listing Prenda Law.	18. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
19. Declaration of Morgan E. Pietz, pg. 4 ¶ 22, as follows: Exhibit DD - Attached as <u>Exhibit DD</u> hereto is a true and correct copy of an unpublished Ninth Circuit sanctions opinion.	19. Irrelevant (<i>FRE</i> §§401, 402); Argumentative; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).

OBJECTIONS TO DECLARATION OF BART HUFFMAN

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
1. Declaration of Bart Huffman, pg. 1-2 ¶ 3, as follows: The subpoena to AT&T: (i) is signed by Paul Duffy of Prenda Law, Inc.; (ii) specifies that production should be made at the offices of Prenda Law, Inc., 161 N.	1. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 Clark Street, Suite 3200, Chicago IL 2 60601; (iii) is issued from the U.S. 3 District Court for the Northern District 4 of Illinois; and (iv) was served under 5 cover of a letter from the “Prenda Law 6 Inc. Subpoena Team. 7 8</p>	<p>Evidence.</p>
<p>9 2. Declaration of Bart Huffman, pg. 10 2 ¶ 4, as follows: There is no apparent 11 reason for the issuance of the Subpoena 12 to At&T from the Northern District of 13 Illinois other than that Mr. Duffy 14 specified Prenda Law’s office address 15 in Chicago as the place of production.</p>	<p>2. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>16 3. Declaration of Bart Huffman, pg. 17 2 ¶ 4, as follows: This practice has 18 been criticized by federal courts. 19</p>	<p>3. Irrelevant (<i>FRE</i> §§401, 402); Improper Opinion (<i>FRE</i> §701); Argumentative; Improper Characterization of Evidence.</p>
<p>20 4. Declaration of Bart Huffman, pg. 21 2 ¶ 5, as follows: According to court 22 records available on PACER, the 5725 23 Lawsuit was transferred to Judge Otis 24 Wright on or about October 5, 2012. 25 The 5725 Lawsuit was thereafter 26 administered in connection with related 27 case <i>AF Holdings LLC v. Doe</i>, No. 12- 28</p>	<p>4. Irrelevant (<i>FRE</i> §§401, 402); Improper Characterization of Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
1 cv-5709 (C.D. Cal.).	
2 5. Declaration of Bart Huffman, pg. 3 2 ¶ 6, as follows: On or about October 4 19, 2012 Judge Wright entered in the 5 5725 Lawsuit an Order Vacating Prior 6 Early Discovery Orders and Order to 7 Show Cause. (5725 Lawsuit, ECF No. 8 9.)	5. Irrelevant (<i>FRE</i> §§401, 402); Improper Characterization of Evidence.
10 6. Declaration of Bart Huffman, pg. 11 2 ¶ 6, as follows: In that Order, Judge 12 Wright ordered Plaintiff to “cease its 13 discovery efforts relating to or based on 14 information obtained through [Rule 45 15 subpoenas allowed by a prior early 16 discovery order].” (<i>Id.</i>)	6. Irrelevant (<i>FRE</i> §§401, 402); Improper Characterization of Evidence.
17 7. Declaration of Bart Huffman, pg. 18 3 ¶ 7, as follows: As reflected in the 19 Kerr Declaration, on November 1, 20 2012, Angela Van Den Hemel of 21 Prenda Law, Inc. sent an e-mail 22 message to Camille D. Kerr forwarding 23 a copy of the Subpoena to AT&T 24 (along with proof of service) and 25 asking for an update on the 5725 26 Lawsuit. (Kerr Decl. ¶ 2 and Ex. 1.)	7. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).
27 8. Declaration of Bart Huffman, pg. 28	8. Irrelevant (<i>FRE</i> §§401, 402); Lacks

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 Material Objected to:</p> <p>2 3 ¶ 7, as follows: Ms. Van Den</p> <p>3 Hemel’s e-mail message also included</p> <p>4 a copy of the same early discovery</p> <p>5 order that Judge Wright had vacated</p> <p>6 and expressly stated should not be the</p> <p>7 basis of subsequent discovery efforts.</p> <p>8</p>	<p>Grounds for Objection:</p> <p>Foundation and/or Personal Knowledge</p> <p>(FRE §602); Hearsay (FRE §§801(c),</p> <p>802); Improper Opinion (FRE §701);</p> <p>Speculation (FRE §602);</p> <p>Argumentative; Assumes Facts Not In</p> <p>Evidence; Improper Characterization of</p> <p>Evidence.</p>
<p>9 9. Declaration of Bart Huffman, pg.</p> <p>10 3 ¶ 7, as follows: Ms. Van Den Hemel</p> <p>11 e-mail message could only have been</p> <p>12 referring to whether AT&T had or was</p> <p>13 going to produce information in</p> <p>14 response to the Subpoena to AT&T,</p> <p>15 because AT&T had no other</p> <p>16 involvement in the case.</p>	<p>9. Irrelevant (FRE §§401, 402); Lacks</p> <p>Foundation and/or Personal Knowledge</p> <p>(FRE §602); Hearsay (FRE §§801(c),</p> <p>802); Improper Opinion (FRE §701);</p> <p>Speculation (FRE §602);</p> <p>Argumentative; Assumes Facts Not In</p> <p>Evidence; Improper Characterization of</p> <p>Evidence.</p>
<p>17 10. Declaration of Bart Huffman, pg.</p> <p>18 3 ¶ 9, as follows: On November 8,</p> <p>19 2012, I sent an e-mail message to Ms.</p> <p>20 Van Den Hemel concerning the 5725</p> <p>21 Lawsuit, in which I stated, “Upon</p> <p>22 review of the court files, it appears that</p> <p>23 any early discovery orders in this case</p> <p>24 (and a number of other AF Holdings</p> <p>25 cases) were vacated. Please let us</p> <p>26 know if you have information to the</p> <p>27 contrary.”</p> <p>28</p>	<p>10. Irrelevant (FRE §§401, 402);</p> <p>Hearsay (FRE §§801(c), 802);</p> <p>Improper Opinion (FRE §701);</p> <p>Argumentative; Assumes Facts Not In</p> <p>Evidence; Improper Characterization of</p> <p>Evidence.</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>11. Declaration of Bart Huffman, pg. 3 ¶ 9, as follows: Exhibit 4 - A true and correct copy of that e-mail message is attached hereto as Exhibit 4.</p>	<p>11. Irrelevant (<i>FRE</i> §§401, 402); Hearsay (<i>FRE</i> §§801(c), 802); Improper Opinion (<i>FRE</i> §701); Speculation (<i>FRE</i> §602); Argumentative; Assumes Facts Not In Evidence; Improper Characterization of Evidence; Improper Authentication of Document (<i>FRE</i> §901).</p>
<p>12. Declaration of Bart Huffman, pg. 3 ¶ 9, as follows: I never received any response to my e-mail message, and I never received any further information or communication from Prenda Law, Inc. concerning the Subpoena to AT&T or the 5725 Lawsuit.</p>	<p>12. Irrelevant (<i>FRE</i> §§402); Hearsay (<i>FRE</i> §§801(c), 802); Argumentative; Improper Characterization of Evidence.</p>
<p>13. Declaration of Bart Huffman, pg. 3 ¶ 10, as follows: No attorney or paralegal for Prenda Law, Inc. has notified me of such dismissal; nor, to my knowledge, has any attorney or paralegal for Prenda Law, Inc. ever notified anyone else associated with AT&T or Locke Lord LLP of such dismissal.</p>	<p>Irrelevant (<i>FRE</i> §§402); Hearsay (<i>FRE</i> §§801(c), 802); Argumentative; Improper Characterization of Evidence.</p>

OBJECTIONS TO DECLARATION OF CAMILLE D. KERR

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1. Declaration of Camille D. Kerr, pg. 1 ¶ 2, as follows: On November 1, 2012, I received an e-mail message from Angela Van Den Hemel, whom I believe to be a paralegal with Prenda Law Inc., wherein Ms. Van Den Hemel requested an update with respect to a subpoena to AT&T issued in AF Holdings LLC v. John Doe, No. 12-cv-05725 (C.D. Cal.) (the “Subpoena to AT&T” issued in the “5725 Lawsuit”).</p>	<p>1. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Speculation (<i>FRE</i> §602); Assumes Facts Not In Evidence; Improper Characterization of Evidence.</p>
<p>2. Declaration of Camille D. Kerr, pg. 1 ¶ 2, as follows: Ms. Van Den Hemel’s e-mail message to me attached a copy of the corresponding subpoena package, consisting of a cover letter, the July 11, 2012 Order Granting Plaintiff’s Ex Parte Application for Leave to Take Expedited Discovery, and the Subpoena to AT&T with proof of service.</p>	<p>2. Irrelevant (<i>FRE</i> §§401, 402); Lacks Foundation and/or Personal Knowledge (<i>FRE</i> §602); Hearsay (<i>FRE</i> §§801(c), 802); Improper Characterization of Evidence.</p>
<p>3. Declaration of Camille D. Kerr, pg. 1 ¶ 2, as follows: Exhibit 1 - A true and correct copy of Ms. Van Den Hemel’s e-mail message to me</p>	<p>3. Irrelevant (<i>FRE</i> §§401, 402); Hearsay (<i>FRE</i> §§801(c), 802); Improper Characterization of Evidence; Improper Authentication of Document</p>

<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
<p>1 (including its attachments) is attached 2 hereto as Exhibit 1.</p>	<p>(FRE §901).</p>
<p>4 4. Declaration of Camille D. Kerr, 5 pg. 2 ¶ 3, as follows: On November 6, 6 2012, Angela Van Den Hemel sent 7 another e-mail message to me asking 8 about the 5725 Lawsuit and the 9 Subpoena to AT&T.</p>	<p>4. Irrelevant (FRE §§401, 402); Hearsay (FRE §§801(c), 802); Improper Characterization of Evidence.</p>
<p>10 5. Declaration of Camille D. Kerr, 11 pg. 2 ¶ 3, as follows: Exhibit 2 - A true 12 and correct copy of that e-mail message 13 is attached hereto as Exhibit 2.</p>	<p>5. Irrelevant (FRE §§401, 402); Hearsay (FRE §§801(c), 802); Improper Characterization of Evidence; Improper Authentication of Document (FRE §901).</p>
<p>15 6. Declaration of Camille D. Kerr, 16 pg. 2 ¶ 4, as follows: On November 8, 17 2012, I was copied on an e-mail 18 message from Bart Huffman to Ms. 19 Van Den Hemel concerning the 5725 20 Lawsuit, in which Mr. Huffman stated, 21 “Upon review of the court files, it 22 appears that any early discovery orders 23 in this case (and a number of other AF 24 Holdings cases) were vacated. Please 25 let us now if you have information to 26 the contrary.”</p>	<p>6. Irrelevant (FRE §§401, 402); Hearsay (FRE §§801(c), 802); Improper Characterization of Evidence; Improper Authentication of Document (FRE §901).</p>
<p>27 7. Declaration of Camille D. Kerr,</p>	<p>7. Irrelevant (FRE §§402); Hearsay</p>

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<u>Material Objected to:</u>	<u>Grounds for Objection:</u>
pg. 2 ¶ 4, as follows: I have not thereafter received any information or communication from Prenda Law, Inc. concerning the Subpoena to AT&T or the 5725 Lawsuit.	<i>(FRE §§801(c), 802); Argumentative; Improper Characterization of Evidence.</i>

Dated: March 4, 2013

WAXLER ♦ CARNER ♦ BRODSKY LLP

By: 

ANDREW J. WAXLER
WON M. PARK
Specially Appearing for Respondent
BRETT L. GIBBS