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Attorneys for Defendant-Movant JOHN DOE “DIE TROLL DIE”

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

PRENDA LAW, INC.,

Plaintiff-Respondent,

v.

PAUL GODFREAD, ALAN COOPER,
and JOHN DOES 1-10

Defendant-Movant.

Case No. _____

**DECLARATION OF NATHAN
CARDOZO IN SUPPORT OF MOTION
OF DEFENDANT-MOVANT JOHN
DOE “DIE TROLL DIE” TO QUASH
THE SUBPOENA TO WILD WEST
DOMAINS SEEKING IDENTITY
INFORMATION**

[Fed. R. Civ. Pro. 45(c) and L.R. Civ. 7.2]

DECLARATION OF NATHAN D. CARDOZO

1
2 I, Nathan D. Cardozo, declare as follows:

3 1. I am over eighteen (18) years of age and I am otherwise competent to sign
4 this declaration based on my personal knowledge of all matters addressed in this
5 declaration.

6 2. I am an attorney licensed to practice law in the State of California and am a
7 Staff Attorney at the Electronic Frontier Foundation, a non-profit legal services
8 organization serving as attorneys for Defendant Doe, a.k.a. "Die Troll Die," (DTD) in the
9 above-captioned matter.

10 3. DTD is the provider of an Internet message board (located at dietrolldie.com)
11 on which pseudonymous online speakers have criticized the practices of Plaintiff Prenda
12 Law, Inc. and other similar copyright enforcement law firms (known colloquially as
13 "copyright trolls").

14 4. The domain name dietrolldie.com is registered with Wild West
15 Domains LLC, a domain name registrar located at 14455 North Hayden Rd. #226,
16 Scottsdale, AZ 85260, in the District of Arizona. Wild West Domains is a subsidiary of Go
17 Daddy Operating Company, LLC, which is headquartered at the same address.

18 5. I am informed and believe that that Alan Cooper served a civil action
19 captioned *Alan Cooper v. John Lawrence Steele, et al.*, No. 27-CV-13-3463, on January 25,
20 2013, which is pending in the Fourth Judicial District Court, County of Hennepin,
21 Minnesota. Mr. Cooper asserted claims for invasion of privacy and deceptive trade
22 practices, as well as civil conspiracy and alter ego theories.

23 6. I am informed and believe that Prenda Law filed a civil action captioned
24 *Prenda Law, Inc. v. Paul Godfread, Alan Cooper and John Does 1-10*, Case No. 13-L-75,
25 in the Circuit Court of the Twentieth Judicial Circuit, St. Clair County, Illinois on February
26 12, 2013, asserting various defamation related causes of action against Mr. Cooper,
27 Cooper's attorney Paul Godfread, and the John Doe Defendants, including DTD for his role
28 as the operator of the dietrolldie.com message board.

1 7. The case was subsequently removed to the federal District Court of the
2 Southern District of Illinois (Case No. 13-cv-00207) on March 1, 2013.

3 8. On April 10, 2013, Paul Duffy, counsel for Prenda (and the principal of
4 Prenda), docketed an Amended Complaint in the Southern District of Illinois case at docket
5 number 12-1. Attached hereto as Exhibit A is a copy of this Amended Complaint, which
6 was allegedly filed in the St. Clair County Circuit Court on February 21, 2013.

7 9. On February 27, 2013, Prenda, through its attorney Mr. Duffy, issued a
8 subpoena to non-party Wild West Domains from the Circuit Court of Cook County,
9 Illinois, seeking DTD's identity and contact information. Specifically, the subpoena seeks
10 "the name, current (and permanent) addresses, billing addresses, telephone numbers and e-
11 mail addresses associated with the individual who registered dietrolldie.com." The
12 subpoena demanded production by March 6, 2013. A copy of the subpoena sent to Wild
13 West Domains is attached hereto as Exhibit B.

14 10. Initially, counsel for DTD was unaware of this subpoena, but had received
15 notice of a defective subpoena that Prenda and Mr. Duffy issued to non-party Automattic
16 Inc. in California (The notice was provided by Automattic, not Prenda or Mr. Duffy).

17 11. Concerned that there may be additional subpoenas, on March 12, 2013,
18 counsel for DTD informed Mr. Duffy and Prenda that they represent DTD in connection
19 with subpoenas for identity information. Attached hereto as Exhibit C is a copy of the
20 March 12 letter to Mr. Duffy and Prenda. Prenda did not respond.

21 12. On March 22, 2013, Wild West Domains notified DTD of the subpoena it had
22 received, but did not provide him with a copy. Attached hereto as Exhibit D is a redacted
23 copy of the email notice from Wild West Domains. DTD's email address has been
24 removed.

25 13. Later that day, counsel for DTD called Mr. Duffy and left a voicemail
26 message, and followed up with an email to Mr. Duffy, seeking a copy of the subpoena.
27 Attached hereto as Exhibit E is a copy of the email to Mr. Duffy.
28

1 14. Prenda responded by claiming there was a typo in DTD's counsel's email,
2 and failed to provide a copy of the subpoena. Attached hereto as Exhibit F is a copy of the
3 email from Mr. Duffy.

4 15. We responded to Mr. Duffy, reiterating the request for a copy of the
5 subpoena. Attached hereto as Exhibit G is a copy of the email to Mr. Duffy. Mr. Duffy has
6 not responded further.

7 16. Plaintiff did not provide notice to DTD of its discovery request, notifying
8 only Defendants Godfread and Cooper. Attached hereto as Exhibit H is a copy of the notice
9 provided to Defendants Godfread and Cooper.

10 17. To the best of my knowledge and belief, Prenda has not attempted to provide
11 notice of any subpoenas to any of the Doe Defendants.

12 18. Attached hereto as Exhibit I is a copy of Kashmir Hill, *How Porn Copyright*
13 *Lawyer John Steele Has Made A 'Few Million Dollars' Pursuing (Sometimes Innocent)*
14 *'Porn Pirates,'* Forbes Magazine, Oct. 15, 2012, available at
15 [http://www.forbes.com/sites/kashmirhill/2012/10/15/how-porn-copyright-lawyer-john-](http://www.forbes.com/sites/kashmirhill/2012/10/15/how-porn-copyright-lawyer-john-steele-justifies-his-pursuit-of-sometimes-innocent-porn-pirates/)
16 [steele-justifies-his-pursuit-of-sometimes-innocent-porn-pirates/](http://www.forbes.com/sites/kashmirhill/2012/10/15/how-porn-copyright-lawyer-john-steele-justifies-his-pursuit-of-sometimes-innocent-porn-pirates/).

17 19. Attached hereto as Exhibit J is a copy of Dan Browning, *Federal judge:*
18 *Copyright troll attorneys hiding something,* Minneapolis Star-Tribune (Mar. 12, 2013),
19 available at <http://www.startribune.com/local/197703011.html>.

20 20. Attached hereto as Exhibit K is a copy of Timothy Lee, *Man charges porn*
21 *trolling firm Prenda Law with identity theft,* Ars Technica (Dec. 5, 2012), available at
22 [http://arstechnica.com/tech-policy/2012/12/man-charges-porn-trolling-firm-prenda-law-](http://arstechnica.com/tech-policy/2012/12/man-charges-porn-trolling-firm-prenda-law-with-identity-theft/)
23 [with-identity-theft/](http://arstechnica.com/tech-policy/2012/12/man-charges-porn-trolling-firm-prenda-law-with-identity-theft/).

24 21. Attached hereto as Exhibit L is a copy of Timothy Lee, *Porn copyright troll*
25 *sues AT&T and Comcast, says they side with pirates,* Ars Technica (Aug. 10, 2012),
26 available at [http://arstechnica.com/tech-policy/2012/08/porn-copyright-troll-sues-att-and-](http://arstechnica.com/tech-policy/2012/08/porn-copyright-troll-sues-att-and-comcast-says-they-side-with-pirates/)
27 [comcast-says-they-side-with-pirates/](http://arstechnica.com/tech-policy/2012/08/porn-copyright-troll-sues-att-and-comcast-says-they-side-with-pirates/).

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1 22. Attached hereto as Exhibit M is a copy of Steve Schmadeke, *Chicago lawyer*
2 *leads fight against porn piracy*, Chicago Tribune (November 15, 2010), available at
3 [http://articles.chicagotribune.com/2010-11-15/news/ct-met-porn-attorney-](http://articles.chicagotribune.com/2010-11-15/news/ct-met-porn-attorney-20101115_1_face-lawsuit-anti-piracy-campaign-copyright-violators)
4 [20101115_1_face-lawsuit-anti-piracy-campaign-copyright-violators](http://articles.chicagotribune.com/2010-11-15/news/ct-met-porn-attorney-20101115_1_face-lawsuit-anti-piracy-campaign-copyright-violators).

5 I declare under the penalty of perjury that the foregoing is true and correct.
6 Executed on April 18, 2013 at San Francisco, California.

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9 Nathan D. Cardozo

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CERTIFICATE OF FILING AND SERVICE

Pursuant to the Case Management/Electronic Case Filing Administrative Policies and Procedures Manual (“CM/ECF Manual”) of the United States District Court for the District of Arizona, I hereby certify that on April 18, 2013, I electronically filed:

**DECLARATION OF NATHAN CARDOZO IN SUPPORT OF MOTION OF
DEFENDANT-MOVANT JOHN DOE “DIE TROLL DIE” TO QUASH THE
SUBPOENA TO WILD WEST DOMAINS SEEKING IDENTITY
INFORMATION**

with the U.S. District Court clerk’s office using the ECF system. Through electronic mail and first class U.S. Mail, I will send notification to the following counsel of record:

Paul A. Duffy
Prenda Law, Inc.
161 North Clark Street, Suite 3200
Chicago, IL 60601
E-Mail: paduffy@wefightpiracy.com
Attorney for Plaintiff

KELLY / WARNER, PLLC

By: /s/ Paul D. Ticen
Paul D. Ticen, Esq.
404 S. Mill Ave, Suite C-201
Tempe, Arizona 85281
Attorney for Defendant