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5 Attorney for Putative John Doe in 2:12-cv-08333-ODW-JC

6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**

8
9 **INGENUITY 13, LLC, a Limited**
Liability Company Organized Under
10 the Laws of the Federation of Saint
11 Kitts and Nevis,

12 **Plaintiff,**

13
14 **v.**

15 **JOHN DOE,**

16 **Defendant.**
17
18

Case Number: 2:12-cv-08333-ODW-JC

Case Assigned to:
District Judge Otis D Wright, II

Discovery Referred to:
Magistrate Judge Jacqueline Chooljian

REPLY DECLARATION OF
MORGAN E. PIETZ

1 I, Morgan E. Pietz, have personal knowledge of the facts alleged herein and hereby
2 declare as follows:

3 1. I am a member in good standing of the State Bar of California, duly
4 admitted to the practice of law in the state and federal courts of the State of
5 California.

6 2. I represent ISP subscribers who have been targeted by Ingenuity 13,
7 LLC, through its counsel Prenda Law, Inc. f/k/a Steele Hansemeier PLLC
8 (“Prenda”) in copyright infringement cases Ingenuity 13 filed in both the Central
9 District of California, and the Northern District of California. I also represent other
10 clients in other cases brought by Prenda on behalf of other entities, sometimes along
11 with local counsel, in other courts.

12 3. I represent a putative John Doe defendant in the case indicated on the
13 caption above.

14 4. My clients in the Prenda cases, including this case, each received letters
15 from their ISPs informing them that Prenda was attempting to subpoena their
16 identity as part of a lawsuit. Generally, my clients are the people who happen to pay
17 the Internet bill for their household, not necessarily the people who actually
18 committed the alleged infringement or other wrongful conduct. However, Prenda
19 constructs its lawsuits so as to make it unclear what exactly is the status of my
20 clients. The complaint does not exactly come out and say that the ISP subscriber
21 equals the John Doe defendant. However, the requests for early discovery, seeking
22 leave to issue ISP subpoenas, generally tend to conflate ISP subscriber with Doe
23 defendant.

24 5. A comprehensive “Declaration of Morgan E. Pietz re: Prenda Law,
25 Inc.” was previously filed in this action at ECF No. 40-1. A “Supplemental
26 Declaration of Morgan E. Pietz” was previously filed in this action at ECF No. 53.
27 ***The lettering of the Exhibits to this “Reply Declaration of Morgan E. Pietz” is***
28 ***continued from theses two prior declaration.***

1 6. Attached as Exhibit EE hereto is a true and correct copy of the
2 [Amended] “Motion for Withdrawal and Substitution of Counsel” filed by Mr.
3 Gibbs in *AF Holdings, LLC v. Andrew Magsumbol*, N.D. Cal. No. 3:12-cv-4221-SC,
4 ECF No. 22, 1/30/13. On page 2, Mr. Gibbs lists himself as “In-House Counsel, AF
5 Holdings LLC”. The prior day, January 29, 2013, Mr. Gibbs had filed a different
6 version of the same motion (*id.* at ECF No. 21). The only apparent difference
7 between the two substitution motions was the addition of the line where Mr. Gibbs
8 signed for AF Holdings, as in house counsel, in the amended motion.

9 7. Attached as Exhibit FF hereto is a true and correct copy of the pleading
10 that Prenda’s local counsel in St. Clair County, Illinois, Kevin Hoerner, filed in on
11 or around February 13, 2013, in *Guava, LLC v. Comcast Cable Communications,*
12 *LLC*, Circuit Court of St. Clair County, Illinois, No. 12-MR-417. This pleading
13 states on page 5 that the name of the person who supposedly verified the petition in
14 that action is “Alan Mony.” On February 14, 2013, among other questions, I asked
15 Prenda’s lawyers to confirm the spelling of the purported client who had signed the
16 verification, and Mr. Hoerner responded that day (this was the entire response): “The
17 issues have already been briefed. See you in court.”

18 8. Attached as Exhibit GG hereto is a true and correct copy of the
19 amended verification filed by Prenda on February 21, 2013 in the Guava St. Clair
20 County action, purportedly executed by someone spelling their name “Alan
21 Mooney.”

22 9. Attached as Exhibit HH hereto is a true and correct copy of an
23 explanatory organization diagram I prepared for Prenda, etc. I am prepared to
24 explain this document at the hearing, and can provide documentary support for the
25 connections.

26 10. Attached as Exhibit II hereto is a true and correct copy of two Google
27 Earth maps that I prepared. The first map shows the Wagar residence located at
28 1411 Paseo Jacaranda, Santa Maria, California 93458. (ECF No. 50, ¶ 29). The

1 second map shows the Denton residence located 635 S. Vanderwell Avenue, West
2 Covina, California 91790. In order to illustrate the range of a WiFi network, both
3 maps show three circles around the residence, each with different radii: a 100 ft.
4 circle (green), a 300 ft. circle (yellow), and a 500 ft. circle (red).

5 11. Attached as Exhibit JJ hereto is a true and correct copy of the manual,
6 chapter 4, for a wireless router owned by a client of mine in a prior, unrelated case.
7 The router at issue there was about ten years old, and specified a range of between
8 300–500 ft., per page 4-2. This is simply an example of the kind of signal range
9 available on a not-state-of-the-art router.

10
11 I declare under penalty of perjury under the laws of the United States of America
12 that the foregoing is true and correct.

13
14 Respectfully submitted,

15
16 DATED: March 4, 2013,

17 Executed this day at Manhattan Beach, California, by

18
19 /s/ Morgan E. Pietz

20 Morgan E. Pietz, Declarant
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