

1 ANONYMOUS/UNNAMED
2 DOE DEFENDANT
3 **IP Address: 66.215.226.51**

FILED

JUL 22 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

4
5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND DIVISION

9 VPR INTERNATIONAL,)

Case No.: C 11-01494 LB

10)
11)
12 Plaintiffs,))

FIRST AMENDED OBJECTION TO
SUBPOENA/
COURT ORDER

13 vs.)

14 DOES 1-17,)

15 Defendant(s))
16)
17)

18 TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS

19 OF RECORD:

20 This unnamed DOE defendant does hereby object to the subpoena/order
21 requesting that Charter Communication disclose personal and identifying
22 information concerning the following **IP Address: 66.215.226.51.**, and concerning
23 the alleged download of a certain copyrighted work, SINTIA 2.
24

25
26 This Objection is made pursuant to Rule 45 of the Federal Rules of Civil
27 Procedure and on general Right to Privacy grounds; this anonymous/unnamed Doe
28

1 Defendant denies any of the allegations of Plaintiff's complaint, denies any
2 wrongdoing on his/her part and denies that Plaintiff has been damaged whatsoever
3 by any alleged copyright infringement.
4

5 Since this unnamed DOE defendant did not commit the act being
6 complained of, allowing the disclosure of the name and personal circumstances of
7 this unnamed DOE defendant will subject the latter from ridicule and undue
8 burden of entering into a litigation for a matter or act to which he has no
9 knowledge or participation. This will violate his/her right to live a private and
10 serene life which can be disturbed only if he/she has done something wrong ,
11 which is not the case in the instant action.
12
13
14

15 On the other hand, the allegation in the Complaint as to the alleged
16 infringement activities of the unnamed DOE defendant is not clear and is
17 unsubstantiated. There was no clear showing that the IP address of this unnamed
18 DOE defendant was used for downloading and/or sharing the subject adult video.
19 As compared to the unsubstantiated allegation of infringement by the complainant,
20 the right of this unnamed DOE defendant to privacy shall be upheld.
21
22
23

24 Furthermore, assuming that the IP address of this unnamed DOE defendant
25 was used to download and/or share the subject adult video, the same does not mean
26 that this unnamed DOE defendant was the one who made the downloading and/or
27 sharing. In fact, this unnamed DOE defendant categorically state that he/she did
28

1 not download or share the subject adult video. As such, disclosing his/her personal
2 circumstances will unduly charge him/her of the burden of defending a law suit
3 which will be door for harassment against her.
4

5 Lastly, this unnamed DOE defendant would like to ask for the permission of
6 this Honorable Court to allow him/her to proceed with this objection anonymously.
7

8 Otherwise, this objection will be mooted if he/she will be forced to sign or disclose
9 his/her identity in this pleading.
10

11 Respectfully submitted.

12
13 20 July 2011

ANONYMOUS/UNNAMED
DOE DEFENDANT
IP Address: 66.215.226.51

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California. I am over the age of 18 and not a party to the within action;

On _____ I served the foregoing document described as OBJECTION TO SUBPEONA on interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope addressed as follows:

Brett L. Gibbs, Esq.
Steele Hansmeier, PLLC
38 Miller Avenue, Unit 263
Mill Valley, CA 94941

Charter Communications
VIA TELEFACSIMILE ONLY
(314) 909-0609

- () By Fax
- () By Personal Delivery
- (X) By Mail

I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

Executed on _____ at Los Angeles, California.

(X) (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

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DOE DEFENDANT
66.215.226.51**