

Let this be filed
RM Collyer
7/2/10

MCNAIR
ATTORNEYS

May 18, 2010

Hunter S. Freeman

hfreeman@mcnair.net
T (864) 271-4940
F (864) 271-4015

Via Fax (202-354-3542)

Honorable Rosemary M. Collyer
c/o Clerk of Court
U.S. District Court for the District of Columbia

Re: 053728.01 -*Achte/Neunte Boll Kino Beteiligungs GMBH & Co. KG v. Does 1-2,094* Civ. Action No. 1:10-cv-00456-RMC

Dear Judge Collyer:

This Firm has been retained by one of the John Doe Defendants in the above referenced lawsuit. Defendant Doe was recently informed by Charter Communications, Inc. ("Charter") that Charter had recently been served with a Rule 45 subpoena requesting the production of certain personal and confidential information about Defendant Doe.

Pursuant to the Court's March 23, 2010 order, any ISP or Defendant may move to quash the subpoena within 30 days from the date of service. Defendant Doe would like to object to the subpoena on the grounds that it fails to comply with Rule 45(a)(2)(C). The subpoena was issued by the district court for the District of Columbia but requires production of information located in St. Louis, Missouri. Accordingly, the subpoena fails to comply with Rule 45(a)(2)(C)'s requirement that the subpoena be issued "from the court for the district where the production or inspection is to be made" i.e., Missouri.

Defendant Doe has requested that Charter raise this objection, but was informed that Charter does not currently intend to raise any such objection. Further, Defendant Doe has not had an opportunity to retain local counsel or make a notice of appearance in this case for the limited purpose of moving to quash the subpoena. Unless this letter is deemed sufficient by this Court, Defendant Doe would consider taking the steps necessary to move to quash the subpoena for failing to comply with Rule 45(a)(2)(C).

If you have any questions or concerns, please feel free to contact me. A copy of this letter is being sent to counsel for the above-referenced plaintiff.

McNair Law Firm, P. A.
Poinsett Plaza, Suite 700
104 South Main Street
Greenville, SC 29601

Mailing Address
Post Office Box 447
Greenville, SC 29602

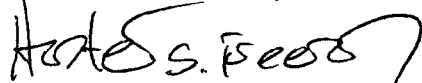
mcnair.net

Honorable Rosemary M. Collyer
c/o Clerk of Court
May 18, 2010
Page 2

MCNAIR
ATTORNEYS

Best regards,

McNAIR LAW FIRM, P.A.



Hunter S. Freeman

HSF:df

cc: Nicholas A. Kurtz, Esq. (via email: subpoena@dgwlegal.com)
Dunlap, Grubb & Weaver, PLLC

Let this be FILED
RM Collier
5/18/10
May 12, 2010

RE: Achte/Neunte Boll Kino Beteiligungs GMBH & Co.KG v. Does 1-2094

To Whom It May Concern:

This letter is in response to the above notification that was received on Monday, May 10, 2010. The notice was for the disclosure of personal information from ISP provider for a subpoena CA No. 1:10-cv-00453-RMC. In accordance to the vague instruction illustrated in the docket, I have chosen to file against the request therefore requesting that my personal information be with held from supposed plaintiff for the following reason.

Upon receiving this subpoena, I have contacted several attorneys' to gather information as to what the subpoena means and what was required to file opposition. From those that I have spoken to, their response has either been that such a service is not provided or this has never been heard of before. With this I have conducted a search into the plaintiff only to find little information that only suggests that this 'group' is located in Germany. As such, unknowing whom the plaintiff is, I cannot allow my information to be given out. There is no guarantee that my information will be kept private or for what purpose my information will be used.

In conclusion, I request that my information NOT be disclosed to any party. Contact can be made by email to the following address: cycypher2000@yahoo.com. I apologize but this is the only email or information I will give due to the unknown aspects of this subpoena.

Thank you,

AO 88B (Rev 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Columbia

ACHTE/NEUNTE BOLL KINO BETEILIGUNGS ...)
Plaintiff)
v.) Civil Action No. 1:10-cv-00453-RMC
DOES 1-2,094)
Defendant) (If the action is pending in another district, state where:)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Charter Communications, Inc., Attn: Kelly Starkweather
12405 Powerscourt Drive, St. Louis, MO 63131, Fax: 314-909-0609

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: In accordance with the conditions in the attached order, provide the name, current (and permanent) addresses, telephone numbers, e-mail addresses and Media Access Control addresses of all individuals whose IP addresses are listed in the attached spreadsheet (paper and CD formats). Let us know the preferred format to provide data - we will provide data in the most efficient and cost effective format.

Place: Nicholas A. Kurtz, Dunlap, Grubb & Weaver, PLLC
199 Liberty Street S.W., Leesburg, VA 20175
Date and Time: 05/14/2010 10:00 am

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:
Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 04/09/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Plaintiff
ACHTE/NEUNTE BOLL KINO BETEILIGUNGS GMBH & CO KG, who issues or requests this subpoena, are:
Nicholas A. Kurtz, Dunlap, Grubb & Weaver, PLLC, 199 Liberty Street S.W., Leesburg, VA 20175,
Tel: 703-777-7319, Fax: 703-777-3656, email: subpoena@dgwlegal.com

served, for which an infringing download has been identified by individual IP address together with the date and time access to the torrent network by such IP address was made for the purpose of downloading an unlawful copy of the Plaintiff's film "*Far Cry*" (the "Motion Picture"). Such Rule 45 subpoena shall seek information sufficient to identify each Doe Defendant, including his or her name, address, telephone number, e-mail address, and Media Access Control Address.

ORDERED that Plaintiff is allowed to serve a Rule 45 subpoena in the same manner as above to any ISP that is identified in response to a subpoena as a provider of internet services to one of the John Doe Defendants; it is further

ORDERED any information disclosed to Plaintiff in response to a Rule 45 subpoena may be used by Plaintiff solely for the purpose of protecting Plaintiff's rights as set forth in its Complaint; it is further

ORDERED any ISP which receives a subpoena shall not assess any charge to the Plaintiff in advance of providing the information requested in the Rule 45 Subpoena or for IP addresses which are not controlled by such ISP, duplicate IP addresses that resolve to the same individual, other IP address that does not provide the name and other information requested of a unique individual, or for the ISPs internal costs to notify its customers; and it is further

ORDERED that any ISP which receives a subpoena and elects to charge for the costs of production shall provide a billing summary and any cost reports that serve as a basis for such billing summary and any costs claimed by such ISP; it is further

ORDERED that if the ISP and/or any Defendant wants to move to quash the subpoena, the party must do so before the return date of the subpoena, which shall be 30 days from the date of service; it is further