

<p>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO</p> <p>ME2 PRODUCTIONS, INC. Plaintiff v. JOHN DOES 1-20 Defendants</p>	<p>Civil Action.: 1:16CV02580-WYD-MEH</p>
<p>MOTION TO QUASH OR VACATE AND FOR ATTORNEYS FEES</p>	

Defendant, John Doe 11 (11), by attorney Louise Aron, moves that the Court quash or vacate the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action pertaining to 11 as follows:

1. **Film.** 11 does not watch movies. 11 has never watched and has no knowledge of the title, contents, plot, actors, characters, theme or other information of any kind whatsoever regarding the film "Mechanic: Resurrection" or of its copyright, including the media thereof, whether in tangible, streaming, compression or any other format or form. 11 has never downloaded, sold, transferred, emailed, attached or otherwise profited or benefitted from Mechanic: Resurrection in any way, whether direct or indirect.

2. **Copyright Law.** Implicit in copyright law is the requirement that copyright owners themselves are responsible for making sure that they prevent infringement. Plaintiff does the opposite. Plaintiff permits uploads of its movies so that unsuspecting victims will download the films. Why doesn't Plaintiff go after those who make Plaintiff's films available to the public? The reason is that Plaintiff is fostering violations of copyright, not preventing them. Plaintiff isn't really interested in preventing copyright infringement. Instead, Plaintiff wants infringement so it can collect money in cases such as these.

3. **Alleged Infraction.** 11 does not watch movies. Upon information and belief, the IP specified and the time specified in Exhibit A to the Subpoena (referred to as the Alleged Infraction Time/Place) do not correspond with the activities, knowledge or other actions of 11.

4. **Incorrect Infraction Place.** 11 does not live or work in Aurora, Colorado. Further, 11's activities on the date specified precluded activity for her IP address in Aurora. Therefore the Alleged Infraction Time/Place is/are incorrect.

5. **Incorrect Infraction Place.** 11's IP address is not the address listed in the Subpoena.

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6. **Information.** 11 has no software, computer, devices, codes, methods or other materials containing any information regarding "Mechanic: Resurrection", regarding the Alleged Infraction Time/Place or regarding any other matter relating to this action.

7. **Groundless, Jurisdiction and Venue.** 11 further objects to the subsection of anonymous persons to frivolous claims on the following grounds:

a. **\$15 to rent the film** Lack of Subject Matter Jurisdiction. Each of these claims cannot be worth more than \$15, the current cost to rent the film. The \$75,000 threshold is not met.

b. **Joinder.** Improper joinder of unrelated claims and parties.

c. **Personal Jurisdiction.** Lack of Personal Jurisdiction over unknown parties committing acts that are not subject to reasonable standards of proof.

d. **Venue.** Improper venue.

e. **Purposeful Harassment.** Subjection in the guise of "copyright infringement" of innocent parties to harassment (ostensibly to "settle" the matter).

f. **Groundless.** Groundless, frivolous and improper allegations in violation of the Rules of Civil Procedure and pursuant to applicable law.

8. **Abuse of Process.** This "copyright" case, and those like them, especially considering the de minimis damages, use the court system and legal filings for improper purposes, constituting a prima facie case for Abuse of Process. Further, Comcast, by requiring that the "accused" infringers make their own Motions to Quash, colludes with the Plaintiff in the Abuse of Process. 11's damages consist of attorney's fees and costs, as well as anguish caused by the improper, groundless accusations. Further, these cases lack the basic investigation necessary as a preliminary to filing.

a. **One millisecond.** As a basis for a potential claim against 11, Exhibit A provides a report of one millisecond of activity on a dynamic IP address. This is an insufficient basis for legal action, and insufficient to justify Comcast Cable's use of or revelation of 11's name to Plaintiff or anyone else.

9. **Invasion of privacy.** Under the 4th Amendment and 14th Amendment, 11 has a reasonable expectation of privacy. Comcast Cable must not reveal 11's name to the Plaintiff. This is a serious breach of privacy, a fundamental right under the United States Constitution.

a. **Intrusion.** The revelation of 11's name entitles 11 to damages for Intrusion into Seclusion. IP addresses are

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anonymous to the public. No one including 11 wants their private, anonymous, personal or financial activities on the internet, or their personal data, to be subject to disclosure.

10. **Damages.**

a. **Emotional Distress.** Involving 11 in this groundless matter is extreme and outrageous, causing 11 severe emotional distress, entitling 11 to damages for Intentional Infliction of Emotional Distress.

b. **Defamation.** Providing 11's name to the Plaintiff is in and of itself defamatory. Plaintiff that 11 has not transacted in any manner that violates copyright or other law. This case gives no information whatsoever to indicate otherwise.

c. **Plaintiff set this up.** Plaintiff isn't really interested in preventing copyright infringement. Instead, Plaintiff wants infringement so it can collect money from individuals. Plaintiff is fostering violations of copyright in order to obtain settlements. Implicit in copyright law is the requirement that copyright owners themselves are responsible for making sure that they prevent infringement. Plaintiff did the opposite. Plaintiff is associated with activities online at <https://myspace.com/me2productions> and elsewhere which created an endless supply of Mechanic: Resurrection to be made available for download.

d. **Relevance.** The "one-millisecond long" activities of any Comcast Cable customer, including 11, in this case at 9:21:34 AM MT on October 1, 2016 or on any other date have no relevance to copyright infringement under the Digital Millennium Copyright Act. It takes several minutes to download a film. Activity for one millisecond is not probative of any possible claim.

11. **De Minimis.** Even if 11 had infringed, there would be de minimis damages. As a conciliatory gesture, I have set aside \$15.00 from my own funds to cover whatever a viewing of "Mechanic: Resurrection" is worth.

12. **Attorneys Fees.** Attorneys fees for this matter are hereby demanded. Plaintiff and Comcast are hereby notified that there is a substantive law in Colorado requiring parties who file groundless and frivolous claims to pay the attorney's fees of the opposing party.

a. **Comcast.** 11 demands attorney's fees and costs from all parties associated with the Subpoena and case, including but not limited to Comcast Cable, and any and all other parties whose policies, procedures and actions resulted in this Motion. Comcast's counsel, not 11, should be funding this Motion.

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WHEREFORE, the Subpoena with respect to 11 should be quashed and vacated in its entirety as it is without merit and without any basis in fact or law.

ss: Louise Aron November 28, 2016  
Louise Aron  
Attorney for John Doe 11  
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(303) 922-7687

CERTIFICATE OF MAILING

I certify that on November 28, 2016 a true and accurate copy of the MOTION TO QUASH OR VACATE was served on Comcast Legal Response Center by:

Fax to 866 947 5587, by email to dmca@comcast.net  
Comcast Legal Response Center  
650 Centerton Road  
Moorestown, New Jersey 08057

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ss: Louise Aron November 28, 2016  
Louise Aron