

# EXHIBIT A

# Prenda Law<sup>Inc.</sup>

Protecting Intellectual Property

February 2, 2012

**VIA U.S. MAIL**

Sandipan Chowdhury

██████████  
Waltham, MA 02453

**Re: AF Holdings LLC v. Does 1-1,140  
1:11-cv-01274 RBW, Ref #8180**

Dear Sandipan Chowdhury:

Prenda Law Inc. has been retained by AF Holdings LLC to pursue legal action against people who illegally downloaded their copyrighted content (i.e., "digital pirates"). Digital piracy is a very serious problem for adult content producers, such as our client, who depend on revenues to sustain their businesses and pay their employees.

On May 26, 2011 at 4:08:15 AM (UTC), our agents observed the IP address with which you are associated illegally downloading and sharing with others via the BitTorrent protocol the following copyrighted file(s):

***Sexual Obsession***

*The ISP you were connected to: Comcast Cable Communications*

*Your IP Address you were assigned during your illegal activity: 24.34.93.15*

We have received a subpoena return from your ISP confirming that you are indeed the person that was associated with the IP address that was performing the illegal downloading of our client's content listed above on the exact date(s) listed above.

On July 13, 2011 we filed an action against several anonymous digital pirates (AF Holdings LLC v. Does 1-1,140). Under the applicable rules of civil procedure, our lawsuit against you personally will not commence unless we serve you with a Complaint.

Fax: 312.893.5677  
Fax: 305.748.2103

161 N Clark St., Suite 3200, Chicago, IL 60601  
1111 Lincoln Rd., Suite 400, Miami Beach, FL 33139

Tel: 312.880.9160  
Tel: 305.748.2102

While it is too late to undo the illegal file sharing associated with your IP address, we have prepared an offer to enable our client to recover damages for the harm caused by the illegal downloading and to allow both parties to avoid the expense of a lawsuit.

Under the Copyright Law of the United States, copyright owners may recover up to \$150,000 in statutory damages (in cases where statutory damages are applicable, which may or may not be the case here) per infringing file plus attorney's fees in cases, whereas here, infringement was willful. In it least one case where the Copyright Law has been applied to digital piracy and statutory damages were applicable, juries have awarded over \$20,000 per pirated file. During the RIAA's well-publicized campaign against digital music piracy, over 30,000 people nationwide settled their cases for amounts ranging from an average of \$3,000 to \$12,000. More recently, on December 22, 2010, a case in which a defendant was accused of illegally downloading six works via BitTorrent, a settlement was reached for \$250,000.

In light of these factors, we believe that providing you with an opportunity to avoid litigation by working out a settlement with us, versus the costs of attorneys' fees and the uncertainty associated with jury verdicts, is very reasonable and in good faith.

In exchange for a comprehensive release of all legal claims in this matter, which will enable you to avoid becoming a named Defendant in our lawsuit, our firm is authorized to accept the sum of **\$3,400.00** as full settlement for the claims. This offer will expire on **February 16, 2012 at 4:00 p.m. CST**. If you reject our settlement offers, we expect to serve you with a Complaint and commence litigation.

To reiterate: if you act promptly you will avoid being named as a Defendant in the lawsuit. You may pay the settlement amount by:

- (a) Mailing a check or money order payable to "Prenda Law Inc. Trust Account" to:

**Prenda Law Inc.  
1111 Lincoln Rd., Suite 400  
Miami Beach, Florida 33139;**

- (b) Completing and mailing/faxing the enclosed payment authorization to:

**Prenda Law Inc.  
1111 Lincoln Rd., Suite 400  
Miami Beach, Florida 33139  
Facsimile: (305) 748-2103.**

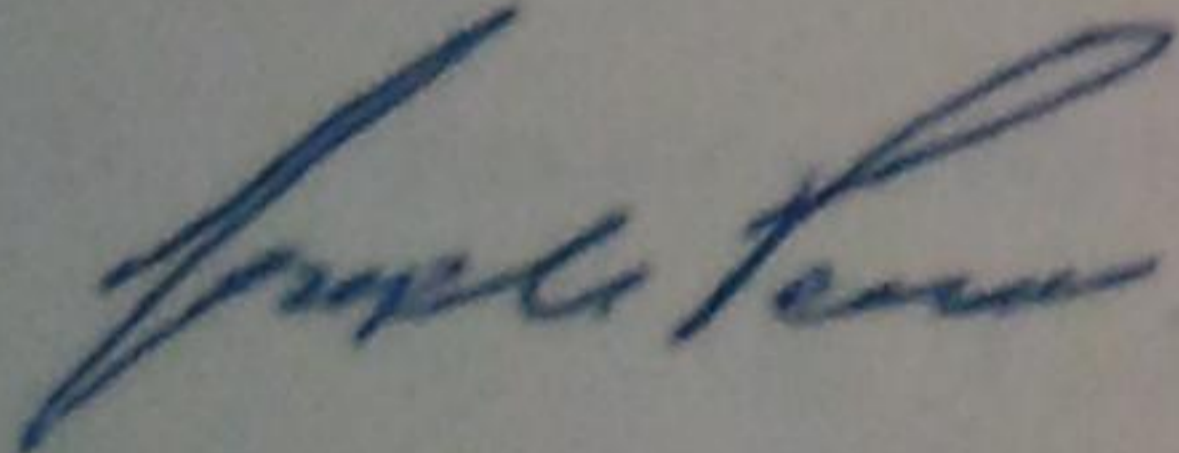
Be sure to reference your case number and your "Ref#" on your method of payment. Regardless of your payment method, once we have processed the settlement, we will mail you your signed Release as confirmation that your payment has been processed and that you have been released from the lawsuit.

Please consider this letter to constitute formal notice that until and unless we are able to settle our client's claim against you, we demand that you not delete any files from your computer or any other computers under your control or in your possession. If forced to proceed against you in a lawsuit, we will have a computer forensic expert inspect these computers in an effort to locate the subject content and to determine if you have deleted any content. If in the course of litigation the forensic computer evidence suggests that you deleted media files, our client will amend its complaint to add a "spoliation of evidence" claim against you. Be advised that if we prevail on this additional claim, the court could award monetary sanctions, evidentiary sanctions and reasonable attorneys' fees. If you are unfamiliar with the nature of this claim in this context, please consult an attorney.

We strongly encourage you to consult with an attorney to review your rights in connection with this matter. Although we have endeavored to provide you with accurate information, our interests are directly adverse to yours and you should not rely on the information provided in this letter for assessing your position in this case. Only an attorney who represents you can be relied upon for a comprehensive analysis of our client's claim against you.

Enclosed, please find a Frequently Asked Questions sheet, a payment authorization form and a sample of the Release that you will receive. We look forward to resolving our client's claim against you in an amicable fashion, through settlement.

Sincerely,



Joseph Perea  
Attorney and Counselor at Law

Enclosures

Attn: J. Sweet



NE&TO  
650 Centerton Road  
Moorestown, NJ 08057  
866-947-8572 Tel  
866-947-5587 Fax

September 22, 2011

*Personal and Confidential*

*Via UPS Delivery*

SANDIPAN CHOWDHURY

████████████████████  
WALTHAM, MA 02453-0455

Re: *AF Holdings, LLC v. John Does 1-1140*  
United States District Court for the District of Columbia  
Docket No.: 1:11-cv-01274-RBW  
Order Entered: September 8, 2011  
Comcast File #: ██████████

Dear Sandipan Chowdhury:

AF Holdings, LLC has filed a federal lawsuit in the United States District Court for the District of Columbia. You have been identified via your assigned Internet Protocol ("IP") address, which is unique to each internet user, in this lawsuit for allegedly infringing AF Holdings, LLC's copyrights on the Internet by uploading or downloading a movie without permission. This was allegedly done using a computer assigned the IP address 24.34.93.15 on 5/26/2011 04:08:16 AM GMT. The Court has ordered Comcast to supply your name, address and other information to AF Holdings, LLC in the attached Order and accompanying Subpoena. Your case has been assigned Docket Number 1:11-cv-01274-RBW by the Court. If you have any questions about the lawsuit, you should consult an attorney immediately. Comcast cannot and will not provide any legal advice.

Comcast will provide your name, address and other information as directed in the Order unless you or your attorney file something with the Court in the District of Columbia such as a motion to quash or vacate the Subpoena no later than October 24, 2011. Should you choose to contest the release of your information by filing legal process with the court, it must be filed in the same court where the lawsuit is filed. If you make this filing, you must notify Comcast in writing with a copy of the filing by sending it via fax to (866) 947-5587 no later than October 24, 2011. **Please note that Comcast cannot accept or file any legal action on your behalf.** If you do not file a motion to quash or vacate the Subpoena by this date, or if you fail to notify Comcast of your filing by this date, Comcast will provide your name, address and other information as directed in the Order to the Plaintiff on the next business day after October 24, 2011.

If you have any questions regarding Comcast's obligations or procedures, you may contact us at (866) 947-8572. If you have legal questions about this matter, please contact an attorney.

Sincerely yours,

Comcast Legal Response Center

Attachments: Copy of Court Order and accompanying Subpoena regarding civil action

AQ 38B (Rev. 04/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

**UNITED STATES DISTRICT COURT**

for the  
Northern District of Illinois

AF Holdings LLC,	)	
<i>Plaintiff</i>	)	Civil Action No. 1:11-cv-01274-RBW
v.	)	
Doss 1 - 1140,	)	(If the action is pending in another district, state whether
<i>Defendant</i>	)	District of Columbia )

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

To: Attn: Subpoena Compliance/Legal, Comcast Cable Holdings, LLC c/o C T Corporation System, 208 S La Salle St #814, Chicago, IL 60604-1101

**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 persons whose IP addresses are listed in the attached spreadsheet. We will be pleased to provide data to you in the most efficient and cost effective format if you let us know what your preferred format is.

Place: Steele Hansmeier, PLLC 161 N Clark St. Ste 3200 Chicago, IL 60601	Date and Time: 10/31/2011 0:00 am
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**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:
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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: 09/09/2011

CLERK OF COURT

OR

_____ <i>Signature of Clerk or Deputy Clerk</i>	OR	<u>is/ John Steele</u> <i>Attorney's signature</i>
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The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

AF Holdings LLC  
 John Steele, Steele Hansmeier PLLC, 161 N Clark St Ste 3200, Chicago IL 60601  
 jsteele@wefightpiracy.com

AD 888 (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 3)

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**

**(c) Protecting a Person Subject to a Subpoena.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an untrained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

24.126.88.72	2011-04-02 12:24:35 AM
24.128.21.29	2011-04-06 11:44:39 AM
24.131.109.221	2011-04-13 04:56:43 AM
24.131.93.253	2011-05-08 09:22:59 PM
24.147.55.126	2011-05-04 09:45:23 PM
24.16.243.174	2011-05-03 03:13:33 PM
24.16.67.243	2011-05-23 12:14:39 AM
24.16.68.111	2011-04-09 04:06:20 PM
24.17.128.159	2011-05-01 06:24:55 AM
24.17.194.159	2011-04-10 04:11:31 AM
24.17.50.103	2011-04-01 07:54:15 PM
24.17.99.13	2011-04-15 09:31:24 PM
24.18.100.36	2011-04-10 01:25:47 PM
24.18.144.16	2011-04-22 05:49:54 AM
24.18.61.37	2011-04-09 12:39:51 AM
24.19.186.138	2011-04-11 05:09:45 AM
24.19.229.248	2011-04-11 08:12:20 AM
24.2.212.175	2011-04-13 01:54:09 AM
24.20.121.36	2011-04-15 10:51:11 PM
24.20.163.10	2011-05-25 08:40:21 AM
24.20.200.45	2011-04-27 08:46:52 PM
24.20.235.138	2011-05-23 11:41:27 PM
24.20.35.15	2011-04-10 06:47:56 PM
24.20.44.94	2011-04-14 07:27:58 AM
24.21.16.226	2011-06-14 11:04:16 AM
24.21.221.217	2011-04-10 09:10:39 AM
24.218.113.164	2011-04-02 02:41:20 AM
24.218.127.74	2011-04-11 04:22:44 AM
24.218.196.44	2011-05-08 04:36:50 PM
24.22.241.169	2011-04-20 08:52:40 AM
24.30.5.118	2011-04-15 03:37:17 PM
24.30.68.28	2011-04-07 07:45:58 PM
24.34.14.85	2011-04-02 03:37:21 AM
24.34.93.15	2011-05-26 04:08:16 AM
24.41.51.49	2011-05-16 06:46:41 AM
24.60.141.11	2011-05-10 01:29:44 PM
24.60.231.185	2011-04-10 02:35:51 PM
24.62.167.37	2011-04-29 04:26:10 PM
24.62.25.163	2011-04-05 07:05:10 PM
24.62.70.226	2011-04-09 10:01:51 AM
24.63.115.250	2011-04-10 06:07:56 PM
24.63.120.87	2011-04-18 03:01:04 AM
24.63.132.228	2011-04-09 11:16:18 AM
24.63.159.191	2011-06-13 01:56:44 PM
24.63.241.108	2011-04-19 12:35:59 PM
24.8.158.149	2011-06-06 04:47:21 AM
24.8.190.34	2011-04-16 07:02:55 AM

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AF HOLDINGS LLC,	)	
Plaintiff,	)	
v.	)	Civil Action No. 11-1274 (RBW)
DOES 1 – 1140,	)	
Defendants.	)	

ORDER

The Court having considered the plaintiff's Motion for Leave to Take Discovery Prior to Rule 26(f) Conference, and it appearing to the Court that there is good cause to grant the relief requested based upon the plaintiff's need to serve subpoenas to ascertain the identity of the defendants in this case, see Arista Records L.J.C. v. Does 1-19, 551 F. Supp. 2d 1, 6-9 (D.D.C. 2008) (Kollar-Kotelly, J.),<sup>1</sup> it is

**ORDERED** that the plaintiff's motion is **GRANTED**. It is further

**ORDERED** that the plaintiff may conduct immediate discovery by serving the internet service providers listed in Exhibit A to the Complaint with a subpoena under Federal Rule of Civil Procedure 45 for the purpose of identifying each Doe defendant, such as the individual's name, current and permanent address, telephone number, e-mail address, and Media Access Control Address. It is further

**ORDERED** that the plaintiff may serve a Rule 45 subpoena in the same manner stated in the preceding decretal paragraph on any intermediary internet service provider identified in

<sup>1</sup> This member of the Court has previously entered a nearly identical order in a similar copyright infringement action. See Imperial Enterprises, Inc. v. Does 1-3, 145, Order, No. 11-cv-529 (RBW) (D.D.C. Apr. 5, 2011) (Walton, J.).

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response to a subpoena as providing online services and/or network access to one of the Doe defendants. It is further

**ORDERED** that any information disclosed to the plaintiff in response to a Rule 45 subpoena may be used by the plaintiff solely for the purpose of protecting the plaintiff's rights as set forth in the Complaint. It is further

**ORDERED** that if and when an internet service provider is served with a subpoena, the provider shall give written notice, which may include e-mail notice, to any affected subscribers within five business days, and such notice shall inform the subscribers of their right to challenge the subpoena in this Court. It is further

**ORDERED** that if the internet service provider or any defendant seeks to modify or quash a subpoena, the party must do so before the return date of the subpoena, which shall be no earlier than thirty days from the date of service. It is further

**ORDERED** that the internet service provider shall preserve any subpoenaed information pending the resolution of any timely filed motion to quash. It is further

**ORDERED** that the plaintiff shall provide each subpoenaed internet service provider with a copy of this Order as well as the Complaint in this action. It is further

**ORDERED** that on or before November 11, 2011, the plaintiff shall file a status report apprising the Court of its progress in determining the identity of the Doe defendants, as well as an expected completion date of the limited discovery authorized by this Order.

**SO ORDERED** this 8th day of September, 2011.

REGGIE B. WALTON  
United States District Judge