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DEC 11 2015  
SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Telephone number [REDACTED]

In pro se for defendant

Defendant: John Doe

IP address 76.1126.239.144

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA LLC.

Plaintiff,

vs.

JOHN DOE Comcast Subscriber

IP address: 76.126.239.144

AKA:

Defendant.

Case No. 3:15-cv-04170-WHA

MOTION TO QUASH SUBPOENA

MEMORANDUM

The defendant Prays that the court honors the following requests :.

A . Awards him with any expenses incurred due to the present litigation.

B ,Extend the period of submitting this motion For the following reason . The subpoena has not been filed against the defendant .It has been filed against his IP provider COMCAST corporation . The defendant want to quash the present subpoena on its onset in order to avoid the burden of further litigation . For this purpose he presents his argumenn the attached pages named:

EEXHIBIT A

EXHIBIT B

EXHHIBIT C

EXHIBIT D

Argument

proof of income

Proof of debt

Copy of Supoena

**EXHIBIT A****ARGUMENT**

1 The Defendant JOHN DOE Subscriber IPaddress76.126.239.144 reveals his  
 2 name and proceeds to represent himself as his Pro Se attorney Terms used  
 3 by the defendant must not be construed as legal terms but words of a  
 4 layman. I am asking the honorable court 6to quash the present subpoena for  
 5 the following reasons:

**A. UNDUE BURDEN.**

6 The defendant is an 80 year old citizen surviving on an \$800.00 per month  
 7 pension with a \$275,000 house mortgage and \$ 1,250 per month payment,  
 8 supported by renting rooms to individuals .This subpoena has disturbed the  
 9 tranquility of his retirement has threatened his safety net ,created panic and  
 10 has led him to the edge of mental break down  
 11

**B. ENOCENCE OF CHARGES BRAUGHT AGAINST HIM.**

12 The defendant is totally innocent and victim of unknown perpetrators who  
 13 have intruded his wireless communications and have committed the  
 14 referred infringement .In an era when criminal perpetrators can intrude into  
 15 the Pentagon communications protected by draconian measures, It is very  
 16 easy for them to Intrude into simple private wireless service.  
 17

**C. ENTRAPMENT**

18 MALI(BU MEDIA is guilty of entrapment .Every serious marketer displays  
 19 products in the cyberspace and protects them with barriers .Any one who  
 20 wants to own the product, must enter personal information and method of  
 21 payment .Some Producers of visual an musical products display their  
 22 products unprotected just by labeling them. This fact leaves the open to  
 23 infringement by N a i v e under age Youngsters, ignorant citizens, who do  
 24 not recognize their labeling ,and criminal professional perpetrators (Hackers)  
 25 who prey on innocent people's services like the defendant's .This should be  
 26 construed by court E n t r a p m e n t by all media producers who capitalize  
 27 from the situation by filing countless suits against innocent citizens .  
 28

**EXHIBIT A**

**.D. VIOLATION AFF DEFENDANTS RIGHTS TO PI VACY**

**.The plaintive command the defendant to produce documents ,electronically stored information or objects ,to permit inspection, copying and testing of electronic components(hard drives)l .This demand constitutes violation of the right of privacy of the defendant .The electronically stored information of the defendant includes banking records, credit records, medical records property records and confidential family records . The plaintive and his hired technical inspectors must not be trusted by the court to intrude in the defendants electronic records violating his right to privacy .**

# Your New Benefit Amount

BENEFICIARY'S NAME: [REDACTED]

Your Social Security benefits will increase by 1.7 percent in 2015 because of a rise in the cost of living. You can use this letter when you need proof of your benefit amount to receive food, rent, or energy assistance; bank loans; or for other business. Keep this letter with your important financial records.

## How Much Will I Get And When?

- |   |                 |
|---|-----------------|
| • Your monthly amount (before deductions) is  | <u>\$891.40</u> |
| • The amount we deduct for Medicare medical insurance is  | <u>\$115.40</u> |
| (If you did not have Medicare as of Nov. 20, 2014, or if someone else pays your premium, we show \$0.00.) |                 |
| • The amount we deduct for your Medicare prescription drug plan is  | <u>\$0.00</u>   |
| (If you did not elect withholding as of Nov. 1, 2014, we show \$0.00.)                                    |                 |
| • The amount we deduct for voluntary Federal tax withholding is   | <u>\$0.00</u>   |
| (If you did not elect voluntary tax withholding as of Nov. 20, 2014, we show \$0.00.)                     |                 |
| • After we take any other deductions, you will receive  | <u>\$776.00</u> |
| on or about Jan. 28, 2015.  |                 |

If you disagree with any of these amounts, you must write to us within 60 days from the date you receive this letter. We would be happy to review the amounts.

You may receive your benefits through direct deposit, a Direct Express® card, or an Electronic Transfer Account. If you still receive a paper check and want to switch to an electronic payment, please visit the Department of the Treasury's Go Direct website at [www.godirect.org](http://www.godirect.org).

## What If I Have Questions?

Please visit our website at [www.socialsecurity.gov](http://www.socialsecurity.gov) for more information and a variety of online services. You also can call 1-800-772-1213 and speak to a representative from 7 a.m. until 7 p.m., Monday through Friday. Recorded information and services are available 24 hours a day. Our lines are busiest early in the week, early in the month, as well as during the week between Christmas and New Year's Day; it is best to call at other times. If you are deaf or hard of hearing, call our TTY number, 1-800-325-0778. If you are outside the United States, you can contact any U.S. embassy or consulate office. Please have your Social Security claim number available when you call or visit and include it on any letter you send to Social Security. If you are inside the United States and need assistance of any kind, you can visit your local office.

BUILDING A  
2099 RANGE AVENUE  
SANTA ROSA CA



chase.com

## Mortgage Loan Statement

Loan Number

08/13/2015

Statement Date

Property Address

Total Amount Due

\$1,252.84

Payment Due Date

09/01/2015

A late charge of \$62.64 may apply if received after 09/16/2015.

## Loan Overview (as of 08/13/2015)

Original Principal Balance	\$279,000.00
Unpaid Principal Balance	\$281,314.67

## Past Payments Breakdown

	Paid Since Last Statement	Paid Year-to-Date
Principal	\$489.25	\$3,874.36
Interest	\$763.59	\$6,148.37
<b>Total</b>	<b>\$1,252.84</b>	<b>\$10,022.72</b>

## Explanation of Amount Due

Principal	\$490.87
Interest	\$762.17
<b>Monthly Payment</b>	<b>\$1,252.84</b>
<b>Prior Fees/Charges</b>	<b>\$0.00</b>
Fees/Charges Since Last Statement	\$0.00
<b>Total Amount Due</b>	<b>\$1,252.84</b>

## Adjustable-Rate Mortgage Information

Interest Rate (Until 7/2019)	3.50000%
For Payment Due	09/01/2015

## Transaction Activity Since Your Last Statement (Includes Fees/Charges)

Transaction Date	Description	Total Received	Principal	Interest	Escrow	Fees	Unapplied Funds
08/13/2015	PAYMENT	\$1,252.84	\$489.25	\$763.59			

## Important Messages

## Verify Your Contact Information

Please review your online account information at [chase.com/MyInfo](http://chase.com/MyInfo) to confirm that your mailing address, email and phone number are correct. If you don't have an online account, you can easily create one at [chase.com](http://chase.com).

Your mortgage loan payment—your way! Choose any one of our services: automatic payments, online bill pay, over the phone, by mail, or in person. Visit [chase.com/WaysToPay](http://chase.com/WaysToPay) for more information about your payment options.

**Servicemember Protections:** You may be entitled to certain legal rights and protections if you or any owner or occupant of your home are or recently were on active duty or active service as a federal or state Military Servicemember, or if you're a dependent of such a Servicemember. For more information, please call us at 1-877-469-0110, 1-318-340-3308 if you're calling from overseas, or 1-800-582-0542 for TTY services.

If you receive or expect to receive an insurance claim check for damages to your home, you can visit [chase.com/InsuranceClaim](http://chase.com/InsuranceClaim) for information about our claim process. If you have any questions, please call us at 1-866-742-1461 Monday through Friday from 8 a.m. to midnight and Saturday from 8 a.m. to 8 p.m. Eastern Time.



EXHIBIT D  
Copy of Supoena



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

11/11/2015

*Personal and Confidential*

*Via UPS & USPS Delivery*

GEORGE ATHENA LEKOSIOTIS  
124 LICHTENBERG AVE  
SONOMA, CA 95476

Re: *Malibu Media, LLC v. John Doe*  
United States District Court for the Northern District of California  
Docket No.: 3:15-cv-04170  
Order Entered: 10/18/2015  
Comcast File #: [REDACTED]

Dear [REDACTED]

*Malibu Media, LLC* has filed a federal lawsuit in the United States District Court for the Northern District of California. You have been identified in our records via your assigned Internet Protocol ("IP") address, which is unique to each internet user, in this lawsuit for allegedly infringing *Malibu Media, LLC's* copyrights on the Internet by uploading or downloading content without permission. This was allegedly done using a device assigned the IP address 76.126.239.144 on 06/05/2015 02:18:42 AM GMT. The court has ordered Comcast to supply your name, address and other information to *Malibu Media, LLC* in the attached Order and accompanying Subpoena. The case has been assigned Docket Number 3:15-cv-04170 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 and Subpoena unless you or your attorney file a protective ~~motion to quash or vacate the Subpoena in the court where the~~ subpoena was issued **no later than 12/11/2015**. If you make this filing, you must notify Comcast in writing with a copy and proof of filing by sending it via fax to (866) 947-5587 **no later than 12/11/2015**. 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.

If you have legal questions about this matter, please contact an attorney.

Sincerely yours,

Comcast Legal Response Center

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

AO 88B (Rev. 02/14) 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 California

MALIBU MEDIA, LLC

Plaintiff

v.

John Doe Subscriber IP address

76.126.239.144

Defendant

Civil Action No. 3:15-cv-04170-WHA

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

To:

Comcast Corporation  
c/o CT Corporation System  
818 West Seventh Street Ste 930  
Los Angeles, CA 90017

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Please produce documents identifying the **name and address** of the defendant John Doe listed in the below chart:

IP Address	Date/Time UTC
76.126.239.144	06/05/2015 02:18:42

Place: HEIT ERLBAUM, LLP 501-I South Reino Rd #344 Newbury Park, CA 91320 (805) 231.9798	Date and Time: December 9, 2015
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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:
--------	----------------

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

Date: 10/22/2015

CLERK OF COURT

OR

*Brenna E. Erlbaum*

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

\_\_\_\_\_  
*Attorney's signature*

\_\_\_\_\_  
The name, address, e-mail address, and telephone number of the attorney representing (name of party)

MALIBU MEDIA, LLC

, who issues or requests this subpoena, are:

Brenna Erlbaum; 6320 Canoga Ave., Suite 1550, Woodland Hills, CA 91367; brenna.erlbaum@HElaw.attorney;  
855.231.9868

**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(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 court for the district where compliance is required 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 court for the district where compliance is required 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 court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (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 court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(ii) disclosing an unretained 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.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(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.

**(e) 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 under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,

No. C 15-04170 WHA

Plaintiff,

v.

JOHN DOE SUBSCRIBER ASSIGNED  
IP ADDRESS 76.126.239.144,

**ORDER GRANTING *EX PARTE*  
MOTION FOR LEAVE TO  
SERVE THIRD-PARTY  
SUBPOENA PRIOR TO  
RULE 26(f) CONFERENCE**

Defendant.  
\_\_\_\_\_

Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various pornographic films and that John Doe defendant directly infringed those copyrights by distributing the films on the Internet, using the above-captioned IP address. Malibu Media now seeks leave to serve a subpoena on third party Comcast Cable Communications, LLC, in order to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions to quash or modify the subpoena that may be filed by any interested party, including Comcast or the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- The subpoena shall only request the actual name and address of the subscriber to whom Comcast assigned the above-captioned IP address.
- The subpoena shall only seek the name and address of the subscriber for the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged infringing act.
- Malibu Media shall attach a copy of this order to the subpoena.


United States District Court  
For the Northern District of California

- Malibu Media may not use any information disclosed by Comcast for any purpose other than protecting its rights as set forth in the complaint.
- Comcast shall, in turn, serve a copy of the subpoena and a copy of this order on the subscriber within TWENTY-FOUR DAYS of the date of service on Comcast.
- The return date on the subpoena shall be no less than FORTY-FIVE DAYS from the date of service on Comcast. Comcast shall not disclose any identifying information about defendant to Malibu Media prior to the return date or prior to the resolution of any motions to quash or modify the subpoena.
- Malibu Media shall not disclose defendant's name, address, telephone number, email, social media username, or any other identifying information, other than defendant's IP address, that it may subsequently learn. All documents including defendant's identifying information, apart from his or her IP address, shall be filed under seal, with all such information redacted on the public docket, unless and until the Court orders otherwise and only after defendant has had an opportunity to challenge the disclosure of any identifying information. Malibu Media explicitly consented to the inclusion of such a protection in its motion.
- In its proposed order (but not in its motion) Malibu Media also sought leave to serve subpoenas on "any service provider that is identified in response to a subpoena as a provider of Internet services to Defendant." Malibu Media must seek leave to serve subpoenas on any other service provider besides Comcast in this matter.

Any motions relating to the subpoena or the protective order discussed above shall be filed prior to the return date of the subpoena.

**IT IS SO ORDERED.**

Dated: October 18, 2015.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE