

## **DECLARATION OF JOHN DOE**

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I, John Doe, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746(2) that the following statements are true and correct:

1. Approximately a year ago I received a phone call at my work from a person named Gerald Stern. Mr. Stern indicated that he was a representative of the law firm Lipscomb, Eisenberg & Baker, PL located in Miami Florida and that they had received information from my Internet Service Provider (ISP) through a subpoena request that my internet account had been linked -- through my alleged IP address -- to an act of unauthorized downloading of hardcore pornographic content through a BitTorrent program.
2. Mr. Stern indicated that I was involved in a lawsuit pending in Florida state court that involved copyright infringement and that this was a serious matter. Mr. Stern further informed me that his firm had sued people for this type of activity and had made anywhere from \$15,000 to \$30,000 per client.
3. Mr. Stern then proceeded to tell me that I probably wouldn't want to see my name in the "Denver Post" and that this could happen by the end of the week.
4. I informed Mr. Stern that I did not know anything about this and did not even know what a BitTorrent was.
5. Mr. Stern continued to inform me that that my network was wide open so that anyone could come into it and get information from it. Mr. Stern indicated that "we" could possibly be looking at a criminal charge of "exposing minors to pornography" which would result in a criminal case being filed against me.
6. Mr. Stern next told me that they (presumably the law firm) would be able to tell if I have been selling the copyrighted movie to others. Mr. Stern continued by telling me that if they are able to obtain my web surfing data from the data storage company (Latisys of Denver) they might be able to determine what other copyright materials I might have downloaded and sue me for that as well.
7. Approximately a year ago I also received a letter from Mr. Keith Lipscomb, of the law-firm Lipscomb, Eisenberg & Baker, PL located in Miami Florida. This letter indicated that an IP address that had been linked to my account through my ISP had allegedly downloaded hardcore pornographic content through a BitTorrent program without authorization. This letter indicated that my information had been subpoenaed by Mr. Lipscomb, and that I would be sued if I did not settle.
8. Based on personal investigation it appears that, Mr. Stern is not an attorney, but works for a "call center" that is associated with Mr. Lipscomb and Lipscomb, Eisenberg & Baker, PL and Jason Kotzker of Kotzker Law Group based in Highlands Ranch Colorado.

9. Based on personal investigation it appears that, names that are turned over from subpoena requests served on various ISP's from attorneys such as Mr. Lipscomb and Mr. Kotzker are transferred to this "call center" where settlement representatives continually call and attempt to pressure John Doe defendants into settling for several thousand dollars under the threat of a lawsuit and public embarrassment and threats of criminal actions.
10. I have been receiving harassing calls for approximately 5 to 6 months from similar representatives of Mr. Lipscomb and Mr. Kotzker. The harassing calls stopped for several months before beginning again. Many of the calls indicated that the law firm of Lipscomb, Eisenberg & Baker, PL, presumably through their representative counsel Jason Kotzker of Kotzker Law Group would file an individual lawsuit against me if I did not settle for several thousand dollars.
11. At no time was there presented an opportunity to provide evidence of innocence.
12. I have never downloaded any movies or other media content legally or illegally in my life.
13. I have never downloaded nor used any BitTorrent software in my life.
14. I have never financially benefited from anyone using my computer, nor have I ever encouraged anyone to ever download any movie or other content from any of my computers. If I was aware that such activity was taking place I would have done everything in my power to stop it.
15. I am providing this declaration anonymously out of a genuine fear of retaliatory litigation. My signature has been attested to by my attorney, David S. Kerr who is a member in good standing of the Colorado bar (#40947) and has been admitted to this Court. Mr. Kerr is further in possession of my personal contact information. Should this, or any Court wish for me to provide additional information I will do so under seal. In addition, should this, or any Court wish for me to provide live testimony I will do so at the Court's convenience.

s/ John Doe  
John Doe

07/12/2012  
Date

s/ David S. Kerr  
Signature attested to by Counsel  
David S. Kerr

07/12/2012  
Date