

“records witness” to testify about “the authenticity and assembly of court records obtained from the federal courts’ PACER system and from several state courts, as well as the accuracy of a summary of such records to be presented for the court’s consideration. Such testimony will be pertinent to a request for judicial notice and the presentation of a summary exhibit to the court with respect to some or all of the ... aspects of John Doe cases filed by plaintiff’s counsel and its predecessor firm”. (The ISP’s disclosure is not presently on the Court’s electronic docket.)

The ISPs have already demonstrated that they intend to use that information for an improper purpose that is irrelevant to matters before the Court. As they have already argued both in support of their motion to quash and in response to Plaintiff’s motion to compel, the ISPs’ only use of that information is to engage in *ad hominem* attacks against Plaintiff’s counsel. The ISPs have demonstrated that those statistics have no bearing on the substantive matters before the Court. Information about unrelated cases involving Plaintiff’s attorneys has no more relevance to this matter than statistics about the number and type of lawsuits that Lock Lord LLP (counsel for non-party ISP AT&T) or its “predecessor firm(s)” has initiated, its litigation strategies in those actions or the results they obtained.

The attorneys with the undersigned law firm are, of course, members in good standing in each and every jurisdiction in which they are admitted to practice. The non-party ISP’s baseless and *ad hominem* arguments over whom Plaintiff has chosen to represent it are simply an improper attempt to confuse the matters actually at issue. The information that the ISPs seek to introduce through its unidentified “records witness” has no bearing whatsoever on whether the Court should enforce subpoenas issued to the nonparty ISPs. The Court should therefore enter an Order barring the non-party ISP’s “records witness,” and barring any evidence and argument relating to unrelated court proceedings.

WHEREFORE, for all of the foregoing reasons, Plaintiff respectfully requests that the Court grant this Motion, enter an order *in limine* barring evidence and argument regarding unrelated cases, and grant any and all further relief that this Court deems to be reasonable and appropriate under the circumstances.

Respectfully submitted,

AF HOLDINGS, LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 27, 2012, all counsel of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document using the Court's CM/ECF system.

/s/ Paul A. Duffy
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