



## **DISCUSSION**

The fact that Comcast has been actively complying with subscriber identification subpoenas in other cases is readily determined by a review of the record in *Nu Imagine, Inc. v. Does 1-3,932*, 2:11-cv-00545-JES-SPC (M.D. Fla. 2011). (Ex. A.) Several motions to quash were filed in the case by Comcast subscribers, which would only occur if Comcast was actively complying with the respective plaintiff's subpoenas. This fact is notable, because Comcast has represented to the Court on the record that the so-called procedural infirmities in Plaintiff's action impose an undue burden that prevents it from complying with Plaintiff's subpoena. Yet, during the pendency of its objections Comcast was actively complying with subscriber identification subpoenas in a case involving 3,932 Doe defendants (nearly four times the amount of defendants in this case) with Doe defendants whose IP geolocations resolved to locations across the United States. *Id.* Absent a plausible explanation, Comcast's objections are irrefutably a sham. Even though Comcast is a major corporation, it is still required to follow the law.

## **CONCLUSION**

The Court must take judicial notice that Comcast has been actively complying with subscriber identification subpoenas in cases involving the exact same issues as those raised in its objections. This fact can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned

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Respectfully submitted,

AF Holdings LLC

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 25, 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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