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FILED

August 1, 2013

United States District Court for the Northern District of Illinois

219 S. Dearborn St.

Chicago, IL 60624

AUG - 2 2013  
AUG 2 2013  
THOMAS G BRUTON  
CLERK, U.S. DISTRICT COURT

IN THE United States COURT for the Northern District of

STATE OF Illinois

TCYK,LLC IN THE United States District Court for the Northern

STATE OF ILLINOIS

TCYK,LLC

PLAINTIFF: TCYK,LLC

*(Name of Plaintiff)*

VS.

CAUSE NO. 1:13-cv-03833

DOES 1 - 112

DEFENDANT: DOES 1 - 112

*(Name of Defendant)*

**Motion to Vacate Judgment, Quash Subpoena Duces Tecum, Dismiss Writ of Garnishment, and for Leave to an Answer to Complaint**

Comes now DOES 1-112 (98.227.164.4), Defendant, in the above-captioned cause, who moves the Court for an order vacating the Judgment of this Court entered on June 20, 2013, quashing the Subpoena Duces Tecum entitled Post Judgment Subpoena for Production of documents to Non-Party served on DOE# 98.227.164.4 (name), dismiss the Writ of Garnishment served on Defendant's Employer, N/A (*Name of Employer*) on N/A (*date*) and for leave to answer the original Complaint of Plaintiff filed in the matter on June 20, 2013 (*date*). The Motion is made on the following grounds: SEE ATTACHED LETTER.

August 1, 2013

United States District Court for the Northern District of Illinois

219 S. Dearborn St.

Chicago, IL 60604

TCYK, LLC v. Does 1-112

Docket No.: 1:13-cv-03833

Comcast File #: 489543

To the Court:

The service I used for downloading music and another service for downloading videos, I pay a fee through my credit card, for both services.

I have never heard of or seen anything on the internet which doesn't require a credit card to download any music or videos.

I, Doe 98.227.164.4 have NO knowledge of any illegal downloads referred to in this summon.

Sincerely,

Doe 98 227 164.4

Doe #: 98.227.164.4

1. The Complaint in the above-entitled and numbered cause was filed and a summons issued by the Clerk of this Court on June 20, 2013 (date).
2. Service of process was made on Defendant on 7/22/2013 (date).
3. Defendant delivered his copy of the Summons and Complaint to N/A (Name of Debt Settlement Company), hereinafter called Company, on \_\_\_\_\_ (date).
4. Said Company were in negotiations with Plaintiff on a settlement when Plaintiff turned the account over to an attorney N/A (Name of Attorney), who almost immediately file the subject Complaint. On advice from the Company, Plaintiff did not answer since the Company advised Plaintiff that the Company and Plaintiff were in settlement negotiations. Trusting the Company, Plaintiff did not file an Answer.
5. Failure to file an Answer resulted in a default Judgment being entered against Defendant on N/A (date).
6. Failure to file an Answer also resulted in a Subpoena Duces Tecum, entitled Post Judgment Subpoena for Production of documents to Non-Party, being served on N/A (name) on \_\_\_\_\_ (date).
7. Failure to file an Answer resulted in a Writ of Garnishment being served on Plaintiff's employer on N/A (date).
8. Defendant's failure to answer or otherwise appear in said Cause was the result of mistake, inadvertence, and excusable neglect. N/A
9. Defendant has a meritorious defense to Plaintiff's Complaint, as shown by the attached Answer and by the attached Affidavit of DOE, 98.227.164.4 (name of affiant).

**Certificate of Service**

This is to certify that I, DOE# 98.227.164.4, have this date served a true and correct copy of the above and foregoing Motion by U.S. Mail, postage fully prepaid, to the following counsel of record for the Plaintiff:

COMCAST

*(Name of Attorney)*

Via fax (866) 947- 5587

*(Post Office Box No. or Street Address)*

\_\_\_\_\_  
*(City, State, Zip Code)*

This the 1 day of August, 2013.

Respectfully submitted,

By: Doel # 98

*(Printed Name of Defendant)*

Doel # 98.227.164.4

*(Signature of Defendant)*

Doel # 98.227.164.4

**Certificate of Service**

This is to certify that I, DOE# 98.227.164.4, have this date served a true and correct copy of the above and foregoing Motion by U.S. Mail, postage fully prepaid, to the following counsel of record for the Plaintiff:

COMCAST

*(Name of Attorney)*

Via fax (866) 947-5587

*(Post Office Box No. or Street Address)*

*(City, State, Zip Code)*

This the 1 day of August, 2013.

Respectfully submitted,

By: Doel # 98

*(Printed Name of Defendant)*

Doel # 98.227.164.4

*(Signature of Defendant)*

Doel # 98.227.164.4

Wherefore, Defendant moves the Court for an Order setting aside the any entry of default, and the default Judgment in the above-entitled and numbered cause, and allowing Defendant's Answer, attached to this Motion, to be filed.

Defendant further moves that this Court quash the Subpoena Duces Tecum (entitled Post Judgment Subpoena for Production of documents to Non-Party), and dismiss the Writ of Garnishment served on Defendant's Employer.

Respectfully submitted,

By: DOE# 98.227.164.4

*(Printed Name of Defendant)*

Doe # 98227164.4

*(Signature of Defendant)*

Doe # 9822716.4