

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA**

4:TWENTY MEDIA, INC.

Plaintiff,

v.

SWARM SHARING HASH FILES  
6D59B29B0E51E9B5B4C0F9192CE99ED5  
EC5457E8;  
6FC0F9C7F041DC36283D54B1FA29E993E  
A3EC2A8;  
F1F946C2054A0F885AC01FB07A935F4F2  
38DD391;  
AND DOES 1-1,341.

Defendants.

Case Number: 6:12-cv-00031-RFD-CMH

**DECLARATION OF MORGAN E. PIETZ IN  
SUPPORT OF MOTION THAT THE  
COURT: (1) RECONSIDER ITS ORDER  
GRANTING EARLY DISCOVERY; (2)  
QUASH OUTSTANDING SUBPOENAS; AND  
(3) SEVER ALL DOES OTHER THAN JOHN  
DOE NUMBER ONE**

**DECLARATION OF MORGAN E. PIETZ**

I, Morgan E. Pietz, hereby declare as follows:

1. I am an attorney duly admitted to the practice of law in the state and federal courts of the State of California, and I am admitted to practice before this Court *pro hac vice*. I am the attorney principally responsible for the representation of a person who received a letter from their ISP stating that the ISP had been served with a subpoena seeking their personally identifiable information. This person, who wishes to remain anonymous, retained me to defend the subpoena. Comparing the IP address on the letter my client received from the ISP with Exhibit A of the Complaint suggests that my client is alleged to be John Doe No. 404.

2. My client told me that he/she (I will not reveal the gender in order to preserve anonymity) resides in California and has never lived or conducted any business in Louisiana of any kind, and other than possibly gassing up while on a road trip or on an airline connection, has never even set foot in the Bayou State. My client has never utilized the Louisiana court system.

3. While researching this case, I came across a website that focuses on copyright troll lawsuits which has a page devoted to this particular case. Link here:

<http://fightcopyrighttrolls.com/2012/04/30/attorney-paul-lesko-and-1000-return-on-investment-in-teen-anal-sluts/>

According to the above, the film “Teen Anal Sluts” is not actually for sale. To verify this fact, I performed a bit of Internet searching on my own. As of June 1, 2012, when I searched, Google does not return any results that reference any movie called “Teen Anal Sluts,” and there is no such title listed either on imdb or on “iafd” which bills itself as the “Internet Adult Film” database.

4. Attached hereto as Exhibit A is a true and correct copy of another federal court’s order in *Hard Drive Production, Inc. v. Does 1-90*, N.D. Cal. Case No. CV-11-3825 (Docket No. 18 filed March 30, 2012) (“*Hard Drive Prods.*”).

5. Attached hereto as Exhibit B is a true and correct copy of another federal court's order in *In re: Bittorrent Adult Film Copyright Infringement Cases*, E.D.N.Y. Case No. CV-11-3995-DRH-GRB (Docket No. 39 filed 5/1/2012) ("*In re: Adult Film Cases*").

6. Attached hereto as Exhibit C is a true and correct copy of a letter I downloaded from the website described in paragraph 3, above, which, on information and belief, appears to be the demand letter that the plaintiff sends out to defendants in this action after the plaintiff obtains their information from the ISP's.

7. While researching this case on the Internet, I came across declarations that the "Technical Expert" used in this case, Matthias Padwet, had offered in support of three prior copyright troll cases. The cases were:

*Mick Haig Productions, e.K. v. Does 1-670*, N.D. Tex. Case No. CV-10-1900

*Harmony Films Ltd. v. Does 1-739*, N.D. Tex Case No. CV-10-02412

*Axel Braun Prodn's v. Does 1-7098*, N.D. W.V. Case No. CV-10-112

After pulling these cases on PACER on May 30, 2012, I concluded that no defendants were ever served in any of these cases. After discussing this "Technical Expert" with another attorney I know who is active in defending these cases, I was informed that Mr. Padewet has changed the name of his company several times, and that it used to be known as "Excubitor USA," "Evidenzia GmbH", and "Copy UG Defense".

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on June 1, 2012 at Manhattan Beach, California.

/s/ Morgan E. Pietz

MORGAN E. PIETZ

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2012, the foregoing was submitted to the CM/ECF system which will send notification of such filings to plaintiff 4:Twenty Media, Inc.

/s/ Morgan E. Pietz

MORGAN E. PIETZ