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Hon. Robert S. Lasnick

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

VOLTAGE PICTURES, LLC,  
  
                                Plaintiff,  
  
v.  
  
DOES 1-78  
  
                                Defendants.

NO. 2:13-CV-00461-RSL  
  
NOTICE OF AVAILABILITY OF JOHN  
DOE 35 TO PRESENT ARGUMENTS

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On May 13, 2013, the Court issued its Order to Show Cause and Quashing Subpoenas (Dkt. No. 7), which, *inter alia*, quashed all outstanding subpoenas in this matter and ordered Plaintiff to show cause as to why the Court should not sever and dismiss all Doe Defendants except for the first listed Doe. Plaintiff filed its Response (Dkt. No. 9) to the Court’s Order on May 25, 2013.

1 The Court has not requested or set a schedule for any Defendant or other interested party  
2 to present arguments relevant to joinder. Moreover, neither the Court's Order nor Plaintiff's  
3 Response or supporting documents raise the issue of whether Plaintiff has demonstrated, or can  
4 demonstrate, "good cause" sufficient to justify early discovery in this matter. Accordingly, John  
5 Doe 35<sup>1</sup> respectfully gives notice that John Doe 35 reserves all applicable defenses and  
6 arguments, including improper joinder and lack of "good cause" for early discovery. Should the  
7 Court find it helpful, John Doe 35 would appreciate the opportunity to present such arguments  
8 prior to any order authorizing continued joinder of Does in this case or reauthorizing Plaintiff's  
9 taking of discovery related to the IP Address of John Doe 35 prior to a Rule 26(f) conference.  
10

11  
12 Dated this 24<sup>th</sup> day of June, 2013

13 /s/ Michael P. Matesky, II  
14 Michael P. Matesky, II (WSBA # 39586)  
15 Matesky Law PLLC  
16 1001 4<sup>th</sup> Ave., Suite 3200  
17 Seattle, WA 98154  
18 Ph: 206.701.0331  
19 Fax: 206.701.0332  
20 Email: [mike@mateskylaw.com](mailto:mike@mateskylaw.com);  
21 [litigation@mateskylaw.com](mailto:litigation@mateskylaw.com)

22 Attorney for Defendant John Doe 35

23  
24 

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1 Plaintiff does not identify any Defendants with specificity. For purposes of this Notice, "John Doe 35" refers to  
25 the named subscriber on the internet service account associated with IP Address 71.236.192.76.

**CERTIFICATE OF SERVICE**

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I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system on the date stated below, which will cause the foregoing to be electronically served on all parties of record.

Dated this 24<sup>th</sup> day of June, 2013

/s/ Michael P. Matesky, II  
Michael P. Matesky, II