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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Suzanne Shell - pro se  
dsshell@ix.netcom.com  
14053 Eastonville Rd.  
Elbert, CO 80106  
Telephone: (719)749-2971  
Fax: (719)749-2972 (not monitored, call above number before faxing)

Defendant

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

INTERNET ARCHIVE  
Plaintiff and Counterclaim Defendant

v.

SUZANNE SHELL  
Defendant and  
Counterclaim Plaintiff and  
Third Party Plaintiff

v.

AND RELATED COUNTERCLAIMS  
AND THIRD PARTY CROSS CLAIMS

CASE NO. C 06 0397 JSW

**UNOPPOSED  
MOTION TO APPEAR  
TELEPHONICALLY**

I, Suzanne Shell, request this court to allow me to appear for preliminary hearings telephonically, and in support thereof have attached my affidavit and state:

1. I am the defendant in the above referenced matter.
2. I live at 14053 Eastonville Road in Elbert, Colorado.
3. The Clerk has noticed me for a Motions hearing on May, 19, 2006 in San Francisco at 9 am. I received this notice on Saturday, April 15, 2006 in the

- 1 afternoon mail.
- 2 4. I do not have the resources to fly to San Francisco for a brief hearing or for  
3 multiple preliminary hearings.
- 4 5. It appears that this District prefers hearing oral arguments for motions. This  
5 practice is extremely burdensome and expensive for me as an out-of-state party.
- 6 6. The expense of having to travel for preliminary hearings would severely impair my  
7 ability to meet upcoming expenses of this litigation.
- 8 7. The courts and parties have a duty to keep expenses of litigation to a minimum.
- 9 8. My telephonic appearance will not prejudice the Plaintiff.
- 10 9. I can appear via telephone. I am prepared to telephone the court at the appointed  
11 time at the number the court provides.

12 WHEREFORE, I respectfully request this court to allow me to appear telephonically for  
13 preliminary hearings.

14 Respectfully submitted on April 17, 2006

15 

16  
17 Suzanne Shell  
18 Defendant

19 **CERTIFICATE OF SERVICE**

20 I hereby certify that true and correct copies of the attached document **MOTION TO**  
21 **APPEAR TELEPHONICALLY** were placed in the United States Mail, first class mail,  
22 postage prepaid on April 18, 2006.

23 Perkins Coie, LLP  
24 180 Townsend St. Third Floor  
25 San Francisco, CA 94107

26  April 18, 2006  
27 Suzanne Shell  
28

1 Suzanne Shell - pro se  
2 dsshell@ix.netcom.com  
3 14053 Eastonville Rd.  
4 Elbert, CO 80106  
5 Telephone: (719)749-2971  
6 Fax: (719)749-2972

7 Defendant

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11  
12 INTERNET ARCHIVE

13 Plaintiff and Counterclaim Defendant

14 v.

15 SUZANNE SHELL

16 Defendant and

17 Counterclaim Plaintiff and

18 Third Party Plaintiff

19 v.

20 AND RELATED COUNTERCLAIMS

21 AND THIRD PARTY CROSS CLAIMS

CASE NO. C 06 0397 JSW

**AFFIDAVIT IN SUPPORT OF  
MOTION TO APPEAR  
TELEPHONICALLY**

22  
23  
24 I, Suzanne Shell, do hereby state under oath as follows:

- 25 1. I am the defendant in the above referenced matter.  
26 2. I live at 14053 Eastonville Road in Elbert, Colorado. I have been a resident of  
27 Colorado for 24 years.  
28 3. As a resident of Colorado, I stand as femme sole (under C.R.S. 14-2-201 et seq.)  
and am solely responsible for any legal action involving me and exercise my right

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to contract, and to sue and be sued in my own capacity.

4. I am not employed. I have not been employed for over 8 years. I operate a private charity which has no earnings. I am paid no salary for this strictly volunteer work. I have no income from sales of my intellectual property because people keep taking it without paying me for it.

5. I own no property, nor any stock or bonds or other investments.

6. I am supported by the charity of friends and family.

7. The Clerk has noticed me for a Motions hearing on May, 19, 2006 in San Francisco at 9 am. I received this notice on Saturday, April 15, 2006 in the afternoon mail.

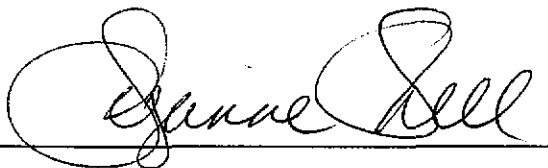
8. I do not have the resources to fly to San Francisco for a brief hearing. It would cost me over \$500.00 for airfare, rental car and hotel for a one short appearance in court. This expense imposes an extreme financial burden on me and my household.

9. I do not own nor do I have access to a car that would survive a trip of that distance.

10. I appear without an attorney because I cannot afford to pay one.

11. The expense of having to travel for this hearing would severely impair my ability to meet upcoming expenses of this litigation.

Signed under the pains and penalties of perjury April 17, 2006



Suzanne Shell - pro se  
14053 Eastonville Rd.  
Elbert, CO 80106  
719-749-2971

**INDIVIDUAL ACKNOWLEDGMENT**

State/Commonwealth of Colorado } ss.  
County of El Paso }

On this the 17<sup>th</sup> day of April, 2006, before  
me, Elishia Chavarria, the undersigned Notary  
Public, personally appeared Suzanne Shell,  
Name(s) of Signer(s)

personally known to me – OR –

proved to me on the basis of satisfactory  
evidence

to be the person(s) whose name(s) is/are  
subscribed to the within instrument, and  
acknowledged to me that he/she/they  
executed the same for the purposes therein  
stated.

WITNESS my hand and official seal.

Elishia Chavarria  
Signature of Notary Public

Elishia Chavarria  
Other Required Information (Printed Name of Notary, Residence, etc.)

Place Notary Seal and/or Any Stamp Above

**OPTIONAL**

*Although the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

Right Thumbprint  
of Signer

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