

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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K-BEECH, INC.,

Civil Action No. 2:11-cv-03995

-against- Plaintiff,

DOES 1-37,

Defendants.

DECLARATION OF DOE
DEFENDANT #2 IN SUPPORT OF
MOTION TO QUASH SUBPOENA
PURSUANT TO FED. R. CIV. P.
45(c)(3)

JOHN DOE # 2, declares, certifies, and affirms, pursuant to 28 U.S.C. §1746, under penalty of perjury under the laws of the United States of America, that the following is true and correct:

1. I am John Doe # 2 in the above-mentioned action.
2. On or about December 20, 2011, I received a letter from Earthlink, advising that it had received a subpoena in this action issued by the Plaintiff, K-Beech, Inc., seeking my private customer information and record.
3. I have reviewed the Complaint filed by the plaintiff. Specifically, I reviewed the allegation that I downloaded a movie file titled, "Gang Bang Virgins."
4. I have never viewed, possessed or downloaded the above-mentioned movie. I have also never used or subscribed to BitTorrent. My IP address is not 76.15.232.8, as alleged in the complaint and subpoena. My IP address instead ends with the following four figures: 68.1.4.
5. The router I used in 2011 was unsecured. On or about February 2, 2011, my Earthlink account was hacked resulting in the theft of my contact list. The

hacker(s) sent email blasts of numerous spam emails to friends and family on my contact list. I learned of this a few days later and contacted Earthlink, asking it to close the account. I also ceased using my email address at the time and began using Gmail instead.

Dated: January 13, 2012

s/John Doe #2 _____