

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO

SUNLUST PICTURES, LLC,

CASE NO.: 12-CV-00656-CMA-KMT

Plaintiff,

vs.

JOHN DOE,

Defendant.

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**DECLARATION OF ROBERT ROE (IP 64.233.216.188) IN SUPPORT OF  
MOTION TO DISMISS AND/OR ISSUE A PROTECTIVE ORDER**

**Movant Robert Roe (IP 64.233.216.188) declares under penalty of perjury as follows:**

1. I make this Declaration in support of my Omnibus Motion to Dismiss, Sever, and/or Quash the Subpoena (the "Omnibus Motion") in the above captioned case.
2. I make this Declaration as "Robert Roe", one of 1,385 purported "joint tortfeasors" listed in Exhibit A to Plaintiff's Complaint [Doc. No. 1-1] in the above captioned case, so as not to disclose my identity or any personally identifying information about me as sought by Sunlust Pictures, LLC through its subpoena (the "Subpoena") to my Internet Service Provider, WideOpenWest ("WOW").
3. I have received a copy of a Subpoena and correspondence dated April 11, 2012 from WOW stating, among other things, that:
  - a. WOW received a Subpoena in the above captioned case seeking disclosure of customer information associated with the IP Address 64.233.216.188 used on 03/09/2012;
  - b. WOW is not a party to the lawsuit, and has taken no part in this filing;



4. A redacted copy of the accompanying correspondence I received from WOW is attached as Exhibit "1" to this Declaration and is incorporated herein as if set forth verbatim herein.
5. A true and correct copy of the above mentioned Subpoena is attached as Exhibit "2" to this Declaration and is incorporated herein as if set forth verbatim herein.
6. Exhibit A to Complaint [Doc. No. 1-1], which Plaintiff purports to list the IP addresses of Defendant's "joint tortfeasors" along with the time of their alleged infringement, identifies the IP address 64.233.216.188 as having infringed Plaintiff's copyright on 02/24/2012, at 19:51:31 (UTC).
7. I am not a resident of Colorado and have never been a resident of Colorado.
8. I have not contracted to insure any person, property, or risk in Colorado.
9. I have not committed a tortious act in Colorado.
10. I have never caused an injury to persons or property within Colorado.
11. I have not operated, conducted, engaged in or carried on any business or business venture in Colorado, nor do I have an office or agency in Colorado.
12. I do not regularly do or solicit business in Colorado.
13. I do not derive any income, much less substantial income, from any activities connected with Colorado.
14. I have never entered into or breached a contract in Colorado.
15. I have never traveled to Colorado, either for business or personally.
16. The IP address allegedly assigned to me by WOW (64.233.216.188) is for a cable connection located outside of Colorado.
17. I do not engage in any persistent course of conduct in Colorado.

18. I have no substantial or regular and systematic contacts with Colorado.

19. I do not consent to personal jurisdiction in the state of Colorado.

20. Should the Court require or request me to do so, I will file a notarized version of this Declaration which includes my personal information. I will, however, seek to file such an Affidavit under seal.

**FURTHER DECLARANT SAYETH NAUGHT**

Under penalty of perjury, I declare that the foregoing facts are true and correct.

**EXECUTED**, this 2 day of MAY, 2012



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Robert Roe  
IP 64.233.216.188



It's that kind of experience.

April 11, 2012



Re: *Sunlust Pictures, LLC v. John Does*, Civil Action No. 1:12-cv-00656-CMA-KMT;  
Subpoena and Court Order to Provide Customer Information



IMPORTANT NOTICE REGARDING ISSUANCE OF SUBPOENA  
SEEKING DISCLOSURE OF YOUR IDENTITY

We have received a Subpoena in the referenced case to disclose certain customer information (name, address, telephone number, and MAC address) associated with IP Address 64.233.216.188 used on 03/09/2012, as further described in the Subpoena issued to us by Prenda Law Inc. The Subpoena was issued to us in accordance with an Order issued by Judge Kathleen M. Tafoya. We have attached the Subpoena and related Court Order.

WOW is not a party to this lawsuit, and has taken no part in this filing. We are, however, legally required to respond to the Subpoena. We cannot provide legal advice to you on this matter.

In accordance with the Order, if you wish to move to quash the Subpoena, you must do so two (2) business days before the return date of the subpoena, which is May 7, 2012. Please be advised that, unless WOW is served with a motion to quash signed by the court on or before May 2, 2012, we intend to provide the requested information. If you intend to take actions to modify or quash the Subpoena before we respond, motion papers signed by the court can be served upon WOW via Fax number 630-536-3108 immediately, and we will withhold the information pending the Court's consideration of your motion.

Very truly yours,

David Walden  
Vice President, IT  
WOW Internet, Cable and Phone



AG 0016 (AL) (03/07) Subject to Federal Court Rules, Information, or Orders as to Federal Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Illinois

SUNJUST PICTURES, LLC

Plaintiff

vs.

JOHN DOE

Defendant

Civil Action No. 12-cv-00656-CMA/KMT

of the subject pending in court case No. where District of Colorado

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Subpoena Compliance/Custodian of Records, WideOpenWest Finance, LLC d/b/a Illinois Corporation, Service Co., 301 Arrial Stevenson Dr., Springfield, IL 62703.

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material in accordance with the conditions in the attached order; provide the name, current (and permanent) addresses, telephone numbers, e-mail addresses and Media Access Control addresses of all persons whose IP addresses are listed in the attached spreadsheet. We will be pleased to provide data to you in the most efficient and cost effective format if you let us know what your preferred format is.

Place: Pranda Law Inc, 161 N Clark St, Suite 3200, Chicago, IL 60601. Date and Time: 05/07/2012 10:07 am

YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Date and Time:

The provisions of Fed. R. Civ. P. 45(f), relating to your protection as a person subject to a subpoena, and Rule 45 (c) and (e) relating to your duty to respond to this subpoena and the potential consequences of non-compliance are attached.

Date: 05/20/2012

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing plaintiff Sunjust Pictures, LLC, who issues or requests this subpoena, are Paul Duffy, Pranda Law, Inc., 161 N. Clark St., Suite 3200, Chicago, IL, 60601; pduffy@waffightprady.com; (312) 880-0150

