

1 Morgan E. Pietz (SBN 260629)
THE PIETZ LAW FIRM
2 3770 Highland Avenue, Suite 206
Manhattan Beach, CA 90266
3 mpietz@pietzlawfirm.com
Telephone: (310) 424-5557
4 Facsimile : (310) 546-5301

5 Nicholas Ranallo (SBN 275016)
371 Dogwood Way
6 Boulder Creek, CA 95006
nick@ranallolawoffice.com
7 Telephone: (831) 703-4011
8 Fax: (831) 533-5073

9 Attorneys for Putative John Doe in 2:12-cv-08333-ODW-JC

10
11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 **INGENUITY 13, LLC, a Limited Liability**
14 **Company Organized Under the Laws of**
15 **the Federation of Saint Kitts and Nevis,**

16 **Plaintiff,**

17 **v.**

18 **JOHN DOE,**

19 **Defendant.**

Case Number: 2:12-cv-08333-ODW-JC

Case Assigned to:
District Judge Otis D Wright, II

Discovery Referred to:
Magistrate Judge Jacqueline Chooljian

Case Consolidated with Case Nos.:
2:12-cv-6636; 2:12-cv-6669;
2:12-cv-6662; 2:12-cv-6668

DECLARATION OF MORGAN E. PIETZ
(APRIL 16, 2013)

PIETZ DECLARATION

I, Morgan E. Pietz am over the age of 18, have personal knowledge of the facts alleged herein, and hereby declare as follows:

1. I am a member in good standing of the State Bar of California, duly admitted to the practice of law in the state and federal courts of the State of California.

2. I represent the ISP subscriber who was targeted by Prenda Law, Inc. as the supposed John Doe defendant in *Ingenuity 13, LLC v. John Doe*, C.D. Cal. No. 12-cv-8333. I have also represented other clients similarly threatened by Prenda in other lawsuits in other jurisdictions.

3. Attached hereto as Exhibit KK¹ is a true and correct copy of a news article from XBiz.com, which is one of the leading “adult” industry news outlets, dated April 10, 2013, wherein John Steele is quoted in several places. This article was published a week after this Court’s April 2, 2013, OSC hearing.

4. Attached hereto as Exhibit LL is a true and correct copy of a legal pleading John Steele, through counsel, filed with the Florida bar in response to a formal investigation. Near the end of the pleading, at page 12², Steele explains that he has an interest in Prenda clients.

5. Attached hereto as Exhibit MM is a true and correct copy of the Affidavit of Blair Chintella, wherein he authenticates the March 5, 2013, meet nad confer emails between himself and attorney Jacques Nazaire. The emails are at page 27, which is the last page of Exhibit MM.

6. Attached hereto as Exhibit NN is a true and correct copy of the complaint in *AF Holdings, LLC v. Patel*, N.D. Ga. No. 12-cv- 262, which is the case Nazaire and Chintella were meeting and conferring about in Exhibit MM. Note that at page 14, Nazaire

¹ Exhibit lettering is continued from prior declarations attaching other exhibits in C.D. Cal. 12-cv-8333. For the prior exhibits *see* ECF Nos. 40-1 and 40-2; 53, 53-1, and 53-2; 59-1 and 59-2.

² All page numbering cites in this declaration refer to the page numbering in the footer in the bottom right, which also matches the CM/ECF page numbering.

1 is listed as counsel of record for plaintiff AF Holdings, LLC (also note that he lists his
2 email as blgibbs@wefightpiracy.com). I downloaded this complaint from PACER.

3 7. Attached hereto as Exhibit OO is a true and correct copy of the CM/ECF
4 docket report for the above referenced *AF Holdings v. Patel* case in Georgia, current as of
5 April 12, 2013, which shows that the case was still active as of March 5, 2013, and that
6 Nazaire remains counsel of record of AF Holdings, LLC. I downloaded this docket report
7 from PACER.

8 8. Attached hereto as Exhibit PP is a true and correct copy of a Brent Berry's
9 Remax website listing for the parcel he sold for John Steele. I accessed this information by
10 going to Brent Berry's listing on the Remax website, here:

11 <http://www.results.net/brent.berry> and then clicking on "my solds," and searching for the
12 property in McGrath, MN. The detail for the Steele/Cooper property can be found here:

13 http://www.results.net/brent.berry/Property/MN/56350/Mcgrath/21251_220th_St

14 9. I am informed and believe, that as reflected in the pictures, the property
15 contained two houses, the main "log cabin" house where Steele stayed when he visited,
16 located at 21251 220th Street, McGrath, MN, and also a smaller house, which is the one
17 referred to on the lease between Cooper and Steele, located at 21255 220th Street, McGrath,
18 MN, where Mr. Cooper lived. See Exhibit K, ¶ 4. Note that in one of the pictures, the fire
19 pit between the two houses that Berry refers to in his declaration is visible. Also note, at
20 page 50, in red on the right, the house is listed "Sold on 2/28/2013".

21 10. Attached hereto as Exhibit QQ is what I believe is a true and correct copy of
22 the official reporter's transcript from the April 20, 2009, hearing in *In re: Bisy's Securities*
23 *Litigation*, S.D.N.Y. No. 04-cv-3840. I downloaded this transcript from this link:

24 <http://online.wsj.com/public/resources/documents/20090420cauleyhearing.pdf>

25 Which I found on the following page of the Wall Street Journal's website:

26 [http://blogs.wsj.com/law/2009/05/08/prominent-arkansas-lawyer-probed-over-missing-9-](http://blogs.wsj.com/law/2009/05/08/prominent-arkansas-lawyer-probed-over-missing-9-million/)
27 [million/](http://blogs.wsj.com/law/2009/05/08/prominent-arkansas-lawyer-probed-over-missing-9-million/)

1 11. In preparing the accompanying reply brief, this declaration, the
2 accompanying exhibits hereto, and the prior request for leave to prepare this reply, I
3 reasonably expended an addition fifteen (15) hours of attorney time. Multiplied by my
4 standard hourly rate of \$300 an hour (which I was surprised to see special counsel attack,
5 given that it is on the low end of the applicable range for an attorney with my experience)
6 that works out to an additional \$4,500 of attorneys' fees in this action. In addition, I
7 anticipate approximately \$70 in costs associated with delivery of courtesy copies of these
8 filing. I view the reply and related filings as made necessary by the late filing of new
9 arguments by Prenda Senior Management, and by the legal issues broached by the
10 surprising invocation of the Fifth Amendment.

11 12. I also note for the record that if the Court had not issued the OSC re:
12 Sanctions, I would have filed a sanctions motion of my own. This is reflected in meet and
13 confer correspondence, wherein I offered that if Prenda would respond to the Alan Cooper
14 discovery, I would refrain from filing a sanctions motion.

15
16 I declare under penalty of perjury under the laws of the United States of America that the
17 foregoing is true and correct.

18
19 Respectfully submitted,

20
21 DATED: April 16, 2013,

22 Executed this day at Manhattan Beach, California, by

23 /s/ Morgan E. Pietz

24 Morgan E. Pietz, Declarant