

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PATRICK COLLINS, INC.
DBA ELEGANT ANGEL
8015 Deering Ave
Canoga Park, CA 91304,

No. 12-cv-3507 (BSJ)

Plaintiff,

-against-

DOES 1-45,

Defendants.

**DECLARATION
OF DOE # 41 IN
SUPPORT OF MOTION**

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DOE # 41, 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 the subscriber allegedly identified by my Internet Service Provider, Verizon, as having been assigned an IP address that plaintiff Patrick Collins, Inc. dba Elegant Angel ("Plaintiff") designated as defendant Doe # 41 on the list of Doe defendants filed with the Complaint in the above-captioned action. (A full copy of the Complaint with exhibits is annexed hereto as Exhibit "A". A copy of the list of Doe defendants filed with the Complaint is annexed hereto as Exhibit "B").

2. I recently received a letter from Verizon (Exhibit "D" hereto) advising me that it had received a subpoena from Plaintiff seeking my identity and private customer information. The letter contained my name and address (which have been redacted on Exhibit

“D” hereto to preserve my privacy) and the following IP address, date and time -- 96.233.195.177 on 2/29/2012 at 9:47:00 PM GMT.

3. Stapled to this letter were copies of a subpoena and list of Doe defendants with IP addresses and times. (See Exhibit “D” hereto). I reviewed this list and did not find the IP address from the Verizon letter (set forth above) anywhere on the list of Doe defendants stapled to that letter.

4. After obtaining and reviewing the Complaint in this case and the list of Doe defendants on file with the Court, it appears that the IP address on the Verizon letter has been designated by Plaintiff as Doe # 41, and that Verizon mistakenly sent me a list of Doe defendants and IP addresses from another case.

5. With the assistance of my attorneys, I have reviewed the Complaint in this action. Specifically, I reviewed the allegation that I downloaded, uploaded and/or traded a movie file titled “Big Wet Brazilian Asses 7” using BitTorrent software.

6. I have never downloaded, uploaded or traded the above-mentioned movie, nor have I ever used BitTorrent software or installed it on any computer of mine.

7. My computer connects to the internet through a wireless router.

Dated: July 17, 2012

X

Doe # 41