

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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No. 12-cv-3507 (BSJ)

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

Plaintiff,

AFFIDAVIT

-against-

DOES 1-45,

Defendants.

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STATE OF NEW YORK)
) ss.:
COUNTY OF QUEENS)

MORLAN TY ROGERS, being duly sworn, deposes and says:

1. I am a member of the bar of this Court and Of Counsel to Ray Beckerman, P.C., attorneys for defendant Doe No. 41 (“Doe 41”), and respectfully submit this affidavit in support his motion for an Order (a) pursuant to Rules 20(a) and 21 of the Federal Rules of Civil Procedure, severing and dismissing the action as to defendants Doe Nos. 2 through 45 on the ground that plaintiff Patrick Collins, Inc. dba Elegant Angel improperly joined said defendants in this action, and (b) pursuant to Rule 45(c)(3) of the Federal Rules of Civil Procedure, quashing the subpoenas issued under the Court’s May 16, 2012 *ex parte* discovery order (the “*Ex Parte* Order”) which seek disclosure of the identities of defendants Doe Nos. 2 through 45.

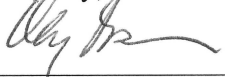
2. I know the identity of Doe 41, who wishes to remain anonymous. As set forth in this individual's accompanying declaration, Doe 41 has never downloaded, uploaded or traded the movie file "Big Wet Brazilian Asses 7" which is the subject of this action, nor has he ever used BitTorrent software or installed it on any computer of his.

3. Annexed hereto as Exhibit "A" is a copy of plaintiff's complaint herein. Annexed hereto as Exhibit "B" is the list of Doe defendants and IP addresses that plaintiff filed along with the complaint. Annexed hereto as Exhibit "C" is a copy of the *Ex Parte* Order.

4. For the reasons set forth in the accompanying memorandum of law, the Court should grant the within motion in all respects.


MORLAN TY ROGERS

Sworn to before me this
23rd day of July, 2012



Notary Public

RAY BECKERMAN
Notary Public, State of New York
No. 02BE5038056
Qualified in Quepne County 2015
Commission Expires January 17, 2016