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11 Specially appearing for
12 PAUL DUFFY, ANGELA VAN DEN
13 HEMEL, and PRENDA LAW, INC.

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 **INGENUITY 13 LLC,**

17 **Plaintiff,**

18 **v.**

19 **JOHN DOE,**

20 **Defendant.**

Case No. 2:12-cv-8333-ODW(JCx)

PAUL DUFFY, ANGELA VAN DEN
HEMEL, AND PRENDA LAW, INC.'S
OBJECTIONS TO EVIDENCE

Judge: Hon. Otis D. Wright, II
Magistrate Judge: Hon. Jacqueline
Chooljian
Courtroom: 11
Date: April 2, 2013
Time: 10:00 A.M.

Complaint Filed: September 27, 2012
Trial Date: None set

21 Paul Duffy, Angela Van Den Hemel, and Prenda Law, Inc. object to the
22 following evidence presented by Morgan Pietz, purportedly on behalf of Defendant
23 John Doe, in connection with order to show cause proceedings before this court:

24 **A. Declaration of Morgan Pietz (ECF no. 40-1), Filed January 14, 2013**

25 (1) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
26 page 2, paragraph 4, in its entirety.

27 This evidence is objected to on the ground that it lacks foundation. (Pietz
28 has not established how he has personal knowledge regarding his client's

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receipt of letters, internet payments, or internet usage, or of Prenda’s litigation intentions.) FED. R. EVID. 602.

(2) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1), pages 2-3, paragraph 5, in its entirety.

This evidence is objected to on the ground that it lacks foundation. (Pietz has not established how he has personal knowledge regarding another law firm’s history.) FED. R. EVID. 602. This evidence also contains inadmissible hearsay. FED. R. EVID. 801(c).

(3) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1), page 3, paragraph 6, in its entirety.

This evidence is objected to on the ground that it lacks foundation. (Pietz has not established how he has personal knowledge regarding another law firm’s history and procedures.) FED. R. EVID. 602.

(4) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1), pages 3, paragraph 7, in its entirety.

This evidence is objected to on the ground that it lacks foundation. (Pietz has not established how he has personal knowledge regarding another law firm’s history.) FED. R. EVID. 602. This evidence also contains inadmissible hearsay. FED. R. EVID. 801(c).

(5) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1), page 4, paragraph 8, in its entirety.

This evidence is objected to on the ground that it lacks foundation. (Pietz has not established how he has personal knowledge regarding another law firm’s history and procedures.) FED. R. EVID. 602.

(6) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1), page 4, paragraph 9, “Since the early days of Steele Hansmeier, the individuals noted above have maintained the same website, located at wefightpiracy.com.”

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1 This evidence is objected to on the ground that it lacks foundation. (Pietz
2 has not established how he has personal knowledge regarding another
3 law firm’s history and procedures.) FED. R. EVID. 602. This evidence is
4 also irrelevant. (None of the order to show cause proceedings are related
5 to any attorney’s website.) FED. R. EVID. 401.

6 (7) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
7 page 4, paragraph 10, “I am informed and believe that in November of
8 2011, Steele Hansmeier, PLLC gave way to ‘Prenda Law, Inc.’ an entity
9 organized under the laws of the State of Illinois.”

10 This evidence is objected to on the ground that it lacks foundation. (Pietz
11 has not established how he has personal knowledge regarding another
12 law firm’s history and procedures.) FED. R. EVID. 602.

13 (8) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
14 pages 4-5, paragraph 11, in its entirety.

15 This evidence is objected to on the ground that it lacks foundation. (Pietz
16 has not established how he has personal knowledge regarding Prenda’s
17 litigation and client histories.) FED. R. EVID. 602.

18 (9) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
19 pages 5-6, paragraph 12, in its entirety.

20 This evidence is objected to on the ground that it lacks foundation. (Pietz
21 has not established how he has personal knowledge regarding another
22 law firm’s history and procedures.) Fed. R. Evid. 602

23 (10) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
24 page 6, paragraph 13, in its entirety. Pietz has not established through
25 admissible evidence his personal knowledge regarding the purported *pro*
26 *hac vice* application or Mr. Steele’s purported status as “of counsel” to
27 Prenda Law in a matter filed in Washington D.C. Exhibit D has not been
28 sufficiently authenticated to prove the content of the record and therefore

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- 1 is inadmissible hearsay for purposes of relying on the document's content
2 to prove the matters asserted. Fed. R. Evid. 602, 802, 902, 1005.
- 3 (11) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
4 page 6, paragraph 14, in its entirety. Pietz has not established through
5 admissible evidence his personal knowledge of the matters asserted in
6 paragraph 14 and further engages in inappropriate testimony and
7 argument, speculative lay opinion, and legal conclusions, all based solely
8 on inadmissible hearsay. Exhibit E is hearsay and not properly
9 authenticated. Fed. R. Evid. 401, 602, 701, 801, 802, 901.
- 10 (12) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
11 page 6, paragraph 15, in its entirety. Pietz has not established through
12 admissible evidence his personal knowledge of the matters asserted in
13 paragraph 15 and further engages in inappropriate testimony and
14 argument, speculative lay opinion, and legal conclusions. Exhibit E,
15 upon which Pietz declares, is hearsay and not properly authenticated.
16 Fed. R. Evid. 401, 602, 701, 801, 802, 901.
- 17 (13) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
18 pages 6-7, paragraph 16, in its entirety. Pietz has not established through
19 admissible evidence his personal knowledge of the matters asserted in
20 paragraph 16 and further engages in inappropriate testimony and
21 argument, speculative lay opinion, and legal conclusions, all supported
22 solely on the hearsay statements of his alleged clients. Fed. R. Evid. 401,
23 602, 701, 801, 802, 805.
- 24 (14) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
25 page 7, paragraph 17, in its entirety. Pietz has not established through
26 admissible evidence his personal knowledge of the matters asserted in
27 paragraph 17 and further engages in inappropriate testimony and
28 argument, speculative lay opinion, and legal conclusions, all supported

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1 solely on the hearsay and double hearsay statements of his alleged clients
2 and the bloggers of the “DieTrollDie” website. Fed. R. Evid. 401, 602,
3 701, 801, 802, 805.

4 (15) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
5 page 7, paragraph 18, in its entirety. Pietz has not established through
6 admissible evidence his personal knowledge of the matters asserted in
7 paragraph 18 and further engages in inappropriate testimony and
8 argument, speculative lay opinion, and legal conclusions, all supported
9 solely on inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802.

10 (16) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
11 page 7-8, paragraph 19, in its entirety. Pietz has not established through
12 admissible evidence his personal knowledge of the matters asserted in
13 paragraph 19 and further engages in inappropriate testimony and
14 argument, speculative lay opinion, and legal conclusions, all supported
15 solely by hearsay. Exhibit F has not been sufficiently authenticated to
16 prove the content of the public record and therefore is inadmissible
17 hearsay for purposes of relying on the document’s content to prove the
18 matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 901, 902, 1005.

19 (17) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
20 page 8, paragraph 20, in its entirety. Pietz has not established through
21 admissible evidence his personal knowledge of the matters asserted in
22 paragraph 20 and further engages in inappropriate testimony and
23 argument, speculative lay opinion, and legal conclusions, all supported
24 solely on inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802,
25 1005.

26 (18) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
27 pages 8-9, paragraph 21, in its entirety. Pietz has not established through
28 admissible evidence his personal knowledge of the matters asserted in

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- 1 paragraph 21 and further engages in inappropriate testimony and
2 argument, speculative lay opinion, and legal conclusions, all supported
3 solely on inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802.
- 4 (19) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
5 pages 9-10, paragraph 22, in its entirety. Pietz has not established
6 through admissible evidence his personal knowledge of the matters
7 asserted in paragraph 22 and further engages in inappropriate testimony
8 and argument, speculative lay opinion, and legal conclusions, all
9 supported solely on inadmissible hearsay. Fed. R. Evid. 401, 602, 701,
10 801, 802, 1005.
- 11 (20) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
12 page 10, paragraph 23, in its entirety. Pietz has not established through
13 admissible evidence his personal knowledge of the matters asserted in
14 paragraph 23 and further engages in inappropriate testimony and
15 argument, speculative lay opinion, and legal conclusions, all supported
16 solely on inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802.
- 17 (21) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
18 page 10, paragraph 24, in its entirety. Pietz has not established through
19 admissible evidence his personal knowledge of the matters asserted in
20 paragraph 24 and further engages in inappropriate testimony and
21 argument, speculative lay opinion, and legal conclusions, all supported
22 solely on inadmissible hearsay. Exhibit G constitutes inadmissible
23 hearsay and double hearsay and contains inappropriate argument,
24 speculative lay opinion, and legal conclusions. Fed. R. Evid. 401, 602,
25 701, 801, 802, 805.
- 26 (22) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
27 page 11, paragraph 25, in its entirety. Pietz has not established through
28 admissible evidence his personal knowledge of the matters asserted in

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- 1 paragraph 25 and further engages in inappropriate testimony and
2 argument, speculative lay opinion, and legal conclusions, all supported
3 solely on inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802.
4 (23) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
5 pages 11-12, paragraph 26, in its entirety. Pietz has not established
6 through admissible evidence his personal knowledge of the matters
7 asserted in paragraph 26 and further engages in inappropriate testimony
8 and argument, speculative lay opinion, and legal conclusions, all
9 supported solely on inadmissible hearsay. Fed. R. Evid. 401, 602, 701,
10 801, 802, 901, 1005.
11 (24) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
12 pages 12-13, paragraph 27, in its entirety. Pietz has not established
13 through admissible evidence his personal knowledge of the matters
14 asserted in paragraph 27 and further engages in inappropriate testimony
15 and argument, speculative lay opinion, and legal conclusions, all
16 supported solely on inadmissible hearsay. Fed. R. Evid. 401, 602, 701,
17 801, 802, 901, 1005.
18 (25) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
19 page 13, paragraph 28, in its entirety. Pietz has not established through
20 admissible evidence his personal knowledge of the matters asserted in
21 paragraph 28 and further engages in inappropriate testimony and
22 argument, speculative lay opinion, and legal conclusions, all supported
23 solely on inadmissible hearsay. Exhibit H has not been sufficiently
24 authenticated to prove the content of the public record and therefore is
25 inadmissible hearsay for purposes of relying on the document's content
26 to prove the matters asserted. Exhibit I constitutes inadmissible hearsay.
27 Fed. R. Evid. 401, 602, 701, 801, 802, 901, 1005.
28 (26) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),

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1 pages 13-14, paragraph 29, in its entirety. Pietz has not established
2 through admissible evidence his personal knowledge of the matters
3 asserted in paragraph 29 and further engages in inappropriate testimony
4 and argument, speculative lay opinion, and legal conclusions, all
5 supported solely on inadmissible hearsay. Exhibits J and K have not
6 been properly authenticated, lack foundation, and contain and constitute
7 inadmissible hearsay and double hearsay. Exhibit K has not been
8 sufficiently authenticated to prove the content of the public record and
9 therefore is inadmissible hearsay for purposes of relying on the
10 document's content to prove the matters asserted. Fed. R. Evid. 401,
11 602, 701, 801, 802, 805, 901, 902, 1005.

12 (27) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
13 page 14, paragraph 30, in its entirety. Pietz has not established through
14 admissible evidence his personal knowledge of the matters asserted in
15 paragraph 30 and further engages in inappropriate testimony and
16 argument, and speculative lay opinion, all supported solely on
17 inadmissible hearsay. Exhibits J and K have not been properly
18 authenticated, lack foundation, and contain and constitute inadmissible
19 hearsay and double hearsay. Exhibit K has not been sufficiently
20 authenticated to prove the content of the public record and therefore is
21 inadmissible hearsay for purposes of relying on the document's content
22 to prove the matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 805,
23 901, 902, 1005.

24 (28) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
25 page 14, paragraph 31, in its entirety. Pietz has not established through
26 admissible evidence his personal knowledge of the matters asserted in
27 paragraph 31 and further engages in inappropriate testimony and
28 argument, and speculative lay opinion, all supported solely on

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1 inadmissible hearsay. Exhibit J has not been properly authenticated ,
2 lacks foundation, and contains and constitutes inadmissible hearsay and
3 double hearsay. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901.

4 (29) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
5 page 14, paragraph 32, in its entirety. Pietz has not established through
6 admissible evidence his personal knowledge of the matters asserted in
7 paragraph 32 and further engages in inappropriate testimony and
8 argument, and speculative lay opinion, all supported solely on
9 inadmissible hearsay. Exhibits J has not been properly authenticated ,
10 lacks foundation, and contains and constitutes inadmissible hearsay and
11 double hearsay. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901.

12 (30) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
13 page 14, paragraph 33, in its entirety. Pietz has not established through
14 admissible evidence his personal knowledge of the matters asserted in
15 paragraph 33 and further engages in inappropriate testimony and
16 argument, and speculative lay opinion, all supported solely on
17 inadmissible hearsay. Exhibits J has not been properly authenticated ,
18 lacks foundation, and contains and constitutes inadmissible hearsay and
19 double hearsay. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901.

20 (31) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
21 page 14, paragraph 34, in its entirety. Pietz has not established through
22 admissible evidence his personal knowledge of the matters asserted in
23 paragraph 34 and further engages in inappropriate testimony and
24 argument, and speculative lay opinion, all supported solely on
25 inadmissible hearsay. Exhibits J has not been properly authenticated ,
26 lacks foundation, and contains and constitutes inadmissible hearsay and
27 double hearsay. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901.

28 (32) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),

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1 page 15, paragraph 35, in its entirety. Pietz has not established through
 2 admissible evidence his personal knowledge of the matters asserted in
 3 paragraph 35 and further engages in inappropriate testimony and
 4 argument, speculative lay opinion, and legal conclusions, all supported
 5 solely on inadmissible hearsay. Pietz has not established himself as an
 6 expert on handwriting and therefore engages in inappropriate expert
 7 testimony on the issue of matching handwriting samples. Exhibit K has
 8 not been properly authenticated , lacks foundation, and contains and
 9 constitutes inadmissible hearsay and double hearsay. Exhibit K has not
 10 been sufficiently authenticated to prove the content of the public record
 11 and therefore is inadmissible hearsay for purposes of relying on the
 12 document’s content to prove the matters asserted. Fed. R. Evid. 401,
 13 602, 701, 801, 802, 805, 901, 902, 1005.

14 (33) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
 15 pages 15-16, paragraph 36, in its entirety. Pietz has not established
 16 through admissible evidence his personal knowledge of the matters
 17 asserted in paragraph 36 and further engages in inappropriate testimony
 18 and argument, speculative lay opinion, and legal conclusions, all
 19 supported solely on inadmissible hearsay. Pietz has not established
 20 himself as an expert on handwriting and therefore engages in
 21 inappropriate expert testimony on the issue of matching handwriting
 22 samples. Exhibit L has not been properly authenticated , lacks
 23 foundation, and contains and constitutes inadmissible hearsay and double
 24 hearsay. Exhibit L has not been sufficiently authenticated to prove the
 25 content of the public record and therefore is inadmissible hearsay for
 26 purposes of relying on the document’s content to prove the matters
 27 asserted. Fed. R. Evid. 401, 602, 701, 702, 801, 802, 805, 901, 902,
 28 1005.

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1 (34) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
2 page 16, paragraph 37, lines 7-8 (“by Minnesota Alan Cooper’s
3 attorney”). Pietz has not established through admissible evidence his
4 personal knowledge of the matters asserted in paragraph 37, as they
5 pertain to Cooper’s attorney, and further engages in inappropriate
6 argument and speculative lay opinion. Fed. R. Evid. 401, 602, 701, 801,
7 802.

8 (35) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
9 page 16, paragraph 38, line 13 (“Both Mr. Cooper’s attorney...”). Pietz
10 has not established through admissible evidence his personal knowledge
11 of the matters asserted in paragraph 38, as they pertain to Cooper’s
12 attorney. Pietz further engages in inappropriate argument and legal
13 conclusions in line 14 (“the original notarized Alan Cooper verification
14 he was obligated to maintain...”). Fed. R. Evid. 401, 602, 701, 801, 802.

15 (36) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
16 pages 16-17, paragraph 39. Pietz has not established through admissible
17 evidence his personal knowledge of the matters asserted in paragraph 39
18 and engages in inappropriate testimony, argument, and speculative lay
19 opinion, all supported solely by inadmissible hearsay. Exhibit N has not
20 been properly authenticated , lacks foundation, and contains and
21 constitutes inadmissible hearsay and double hearsay. Exhibit N has not
22 been sufficiently authenticated to prove the content of the public record
23 and therefore is inadmissible hearsay for purposes of relying on the
24 document’s content to prove the matters asserted. Fed. R. Evid. 401,
25 602, 701, 801, 802, 805, 901, 902, 1005.

26 (37) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
27 page 17, paragraph 40. Pietz has not established through admissible
28 evidence his personal knowledge of the matters asserted in paragraph 40

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and engages in inappropriate testimony, argument, speculative lay opinion, and legal conclusions, all supported solely by inadmissible hearsay. Exhibit N has not been properly authenticated , lacks foundation, and contains and constitutes inadmissible hearsay and double hearsay. Exhibit N has not been sufficiently authenticated to prove the content of the public record and therefore is inadmissible hearsay for purposes of relying on the document’s content to prove the matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901, 902, 1005.

(38) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1), pages 17-18, paragraph 41. Pietz has not established through admissible evidence his personal knowledge of the matters asserted in paragraph 41 and engages in inappropriate testimony, argument, speculative lay opinion, and legal conclusions, all supported solely by inadmissible hearsay. Exhibits J, K, L, and N have not been properly authenticated , lack foundation, and contain and constitute inadmissible hearsay and double hearsay. Exhibits K, L, and N have not been sufficiently authenticated to prove the content of the public record and therefore constitute inadmissible hearsay for purposes of relying on the documents’ content to prove the matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901, 902, 1005.

(39) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1), page 18, paragraph 43. Pietz has not established through admissible evidence his personal knowledge of the matters asserted in paragraph 43 and engages in inappropriate testimony, argument, speculative lay opinion, and legal conclusions, all supported solely by inadmissible hearsay. Exhibit N has not been properly authenticated , lacks foundation, and contains and constitutes inadmissible hearsay and double hearsay. Exhibit N has not been sufficiently authenticated to prove the

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1 content of the public record and therefore is inadmissible hearsay for
2 purposes of relying on the document's content to prove the matters
3 asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901, 902, 1005.
4 (40) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
5 page 18, paragraph 44. Pietz has not established through admissible
6 evidence his personal knowledge of the matters asserted in paragraph 44
7 and engages in inappropriate testimony, argument, speculative lay
8 opinion, and legal conclusions, all supported solely by inadmissible
9 hearsay. Exhibit B has not been properly authenticated , lacks
10 foundation, and contains and constitutes inadmissible hearsay. Exhibit B
11 has not been sufficiently authenticated to prove the content of the public
12 record and therefore is inadmissible hearsay for purposes of relying on
13 the document's content to prove the matters asserted. Fed. R. Evid. 401,
14 602, 701, 801, 802, 901, 902, 1005.
15 (41) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
16 page 18, paragraph 45. Pietz has not established through admissible
17 evidence his personal knowledge of the matters asserted in paragraph 45
18 and engages in inappropriate testimony, argument, speculative lay
19 opinion, and legal conclusions, all supported solely by inadmissible
20 hearsay. Exhibit O has not been properly authenticated , lacks
21 foundation, and contains and constitutes inadmissible hearsay. Exhibit O
22 has not been sufficiently authenticated to prove the content of the public
23 record and therefore is inadmissible hearsay for purposes of relying on
24 the document's content to prove the matters asserted. Fed. R. Evid. 401,
25 602, 701, 801, 802, 901, 902, 1005.
26 (42) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
27 page 18, paragraph 46. Pietz has not established through admissible
28 evidence his personal knowledge of the matters asserted in paragraph 46

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1 and engages in inappropriate testimony, argument, and speculative lay
2 opinion, all supported solely by inadmissible hearsay. Exhibits B and O,
3 upon which Pietz relies, have not been properly authenticated, lack
4 foundation, and contain and constitute inadmissible hearsay. Exhibits B
5 and O have not been sufficiently authenticated to prove the content of the
6 public record and therefore constitute inadmissible hearsay for purposes
7 of relying on the documents' content to prove the matters asserted. Fed.
8 R. Evid. 401, 602, 701, 801, 802, 901, 902, 1005.

9 (43) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
10 pages 18-19, paragraph 47, in its entirety. Pietz has not established
11 through admissible evidence his personal knowledge of the matters
12 asserted in paragraph 47 and further engages in inappropriate testimony,
13 argument, and speculative lay opinion, all supported solely by
14 inadmissible hearsay. Exhibit A has not been properly authenticated ,
15 lacks foundation, and contains and constitutes inadmissible hearsay. Fed.
16 R. Evid. 401, 602, 701, 801, 802, 901.

17 (44) Declaration of Morgan Pietz, filed January 14, 2013 (ECF no. 40-1),
18 page 19, paragraph 48, in its entirety. Pietz has not established through
19 admissible evidence his personal knowledge of the matters asserted in
20 paragraph 48 and further engages in inappropriate testimony, argument,
21 and speculative lay opinion and legal conclusions, all supported solely on
22 inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802.

23 **B. Supplemental Declaration of Morgan E. Pietz (ECF no. 53), Filed on**
24 **February 20, 2013**

25 (45) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
26 (ECF no. 53), page 2, paragraph 2, line 7. Pietz has not established
27 through admissible evidence his personal knowledge of the alleged
28 evolution of Prenda Law, Inc. from Steele Hansmeier PLLC; thus, his

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1 commentary that Prenda Law, Inc. was formerly known as Steele
 2 Hansmeier PLLC is nothing but speculative lay opinion and constitutes
 3 an unsupported legal conclusion. Fed. R. Evid. 401, 602, 701.

4 (46) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
 5 (ECF no. 53), page 2, paragraph 4, lines 18-23. Pietz has not established
 6 through admissible evidence his personal knowledge of the matters
 7 asserted in paragraph 4, lines 18-23 (starting with “However, Prenda...”),
 8 and further engages in inappropriate testimony, argument, and
 9 speculative lay opinion and legal conclusions, all supported solely by
 10 inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802.

11 (47) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
 12 (ECF no. 53), page 3, paragraph 8, in its entirety. Pietz has not
 13 established through admissible evidence his personal knowledge of the
 14 matters asserted in paragraph 8. Exhibit Q has not been properly
 15 authenticated, lacks foundation, and contains and constitutes inadmissible
 16 hearsay. Exhibit Q has not been sufficiently authenticated to prove the
 17 content of the public record and therefore constitutes inadmissible
 18 hearsay for purposes of relying on the documents’ content to prove the
 19 matters asserted. Fed. R. Evid. 401, 602, 801, 802, 901, 902, 1005.

20 (48) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
 21 (ECF no. 53), page 3, paragraph 9, in its entirety. Pietz has not
 22 established through admissible evidence his personal knowledge of the
 23 matters asserted in paragraph 9. Exhibit R has not been properly
 24 authenticated, lacks foundation, and contains and constitutes inadmissible
 25 hearsay. Exhibit R has not been sufficiently authenticated to prove the
 26 content of the public record and therefore constitutes inadmissible
 27 hearsay for purposes of relying on the documents’ content to prove the
 28 matters asserted. Fed. R. Evid. 401, 602, 801, 802, 901, 902, 1005.

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1 (49) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
2 (ECF no. 53), page 3, paragraph 10, in its entirety. Pietz has not
3 established through admissible evidence his personal knowledge of the
4 matters asserted in paragraph 10. Exhibit S has not been properly
5 authenticated, lacks foundation, and contains inadmissible hearsay,
6 double hearsay, and inappropriate testimony, argument, and speculative
7 lay opinions and legal conclusions of the declarant. Exhibit S has not
8 been sufficiently authenticated to prove the content of the public record
9 and therefore constitutes inadmissible hearsay for purposes of relying on
10 the documents' content to prove the matters asserted. Fed. R. Evid. 401,
11 602, 701, 801, 802, 805, 901, 902, 1005.

12 (50) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
13 (ECF no. 53), page 3, paragraph 11, in its entirety. Pietz has not
14 established through admissible evidence his personal knowledge of the
15 matters asserted in paragraph 11 and further engages in inappropriate
16 testimony, argument, and speculative lay opinion, all supported solely by
17 inadmissible hearsay. Exhibit T has not been properly authenticated,
18 lacks foundation, and contains and constitutes inadmissible hearsay. Fed.
19 R. Evid. 401, 602, 701, 801, 802, 901.

20 (51) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
21 (ECF no. 53), page 3, paragraph 12, in its entirety. Pietz has not
22 established through admissible evidence his personal knowledge of the
23 matters asserted in paragraph 12 and further engages in inappropriate
24 testimony, argument, and speculative lay opinion, all supported solely by
25 inadmissible hearsay. Exhibit U has not been properly authenticated,
26 lacks foundation, and constitutes inadmissible hearsay. Exhibit U has not
27 been sufficiently authenticated to prove the content of the public record
28 and therefore constitutes inadmissible hearsay for purposes of relying on

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1 the documents' content to prove the matters asserted. Fed. R. Evid. 401,
2 602, 701, 801, 802, 901, 902, 1005.

3 (52) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
4 (ECF no. 53), page 3, paragraph 14, in its entirety. Pietz has not
5 established through admissible evidence his personal knowledge of the
6 matters asserted in paragraph 14 and further engages in inappropriate
7 testimony, argument, and speculative lay opinion and legal conclusions,
8 all supported solely by inadmissible hearsay and double hearsay. Exhibit
9 W has not been properly authenticated, lacks foundation, and constitutes
10 and contains inadmissible hearsay and double hearsay. Exhibit W has
11 not been sufficiently authenticated to prove the content of the public
12 record and therefore constitutes inadmissible hearsay for purposes of
13 relying on the documents' content to prove the matters asserted. Fed. R.
14 Evid. 401, 602, 701, 801, 802, 901, 902, 1005.

15 (53) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
16 (ECF no. 53), page 3, paragraph 15, in its entirety. Pietz's recitation of
17 what John Steele purportedly told him is inadmissible hearsay. Fed. R.
18 Evid. 401, 801, 802.

19 (54) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
20 (ECF no. 53), page 3, paragraph 16, in its entirety. Pietz has not
21 established through admissible evidence his personal knowledge of the
22 matters asserted in paragraph 16 and further engages in inappropriate
23 testimony, argument, and speculative lay opinion, all supported solely by
24 inadmissible hearsay. Exhibit X has not been properly authenticated,
25 lacks foundation, and constitutes inadmissible hearsay. Fed. R. Evid.
26 401, 602, 701, 801, 802, 901.

27 (55) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
28 (ECF no. 53), page 3, paragraph 17, in its entirety. Pietz has not

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established through admissible evidence his personal knowledge of the matters asserted in paragraph 17 and further engages in inappropriate testimony, argument, and speculative lay opinion, all supported solely by inadmissible hearsay. Exhibit Y has not been properly authenticated, lacks foundation, and constitutes inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802, 901.

(56) Supplemental Declaration of Morgan Pietz, filed February 20, 2013 (ECF no. 53), page 4, paragraph 18, in its entirety. Pietz has not established through admissible evidence his personal knowledge of the matters asserted in paragraph 18. Exhibit Z has not been properly authenticated, lacks foundation, and constitutes inadmissible hearsay. Fed. R. Evid. 401, 602, 801, 802, 901.

(57) Supplemental Declaration of Morgan Pietz, filed February 20, 2013 (ECF no. 53), page 4, paragraph 19, in its entirety. Pietz has not established through admissible evidence his personal knowledge of the matters asserted in paragraph 19 and further engages in inappropriate testimony and argument, all supported solely by inadmissible hearsay and double hearsay. Exhibit AA has not been properly authenticated, lacks foundation, and constitutes and contains inadmissible hearsay and double hearsay. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901.

(58) Supplemental Declaration of Morgan Pietz, filed February 20, 2013 (ECF no. 53), page 4, paragraph 20, in its entirety. Pietz has not established through admissible evidence his personal knowledge of the matters asserted in paragraph 20 and further engages in inappropriate testimony, argument, and speculative lay opinion, all supported solely by inadmissible hearsay. Exhibit BB has not been properly authenticated, lacks foundation, and constitutes inadmissible hearsay. Exhibit BB has not been sufficiently authenticated to prove the content of the public

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1 record and therefore constitutes inadmissible hearsay for purposes of
2 relying on the documents' content to prove the matters asserted. Fed. R.
3 Evid. 401, 602, 701, 801, 802, 901, 902, 1005.

4 (59) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
5 (ECF no. 53), page 4, paragraph 21, in its entirety. Pietz has not
6 established through admissible evidence his personal knowledge of the
7 matters asserted in paragraph 21 and further engages in inappropriate
8 testimony and argument, all supported solely by inadmissible hearsay and
9 double hearsay. Exhibit CC has not been properly authenticated, lacks
10 foundation, and constitutes and contains inadmissible hearsay and double
11 hearsay. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901.

12 (60) Supplemental Declaration of Morgan Pietz, filed February 20, 2013
13 (ECF no. 53), page 4, paragraph 22, in its entirety. Pietz has not
14 established through admissible evidence his personal knowledge of the
15 matters asserted in paragraph 22. Exhibit DD has not been properly
16 authenticated, lacks foundation, constitutes inadmissible hearsay, and
17 expressly states that the attached Memorandum is "not appropriate for
18 publication and is not precedent except as provided by 9th Cir. R. 36-3."
19 Exhibit DD has not been sufficiently authenticated to prove the content
20 of the public record and therefore constitutes inadmissible hearsay for
21 purposes of relying on the documents' content to prove the matters
22 asserted. Fed. R. Evid. 401, 602, 801, 802, 901, 902, 1005.

23 **C. Declaration of Bart Huffman (ECF no. 54), Filed on February 20, 2013**

24 (61) Declaration of Bart Huffman (ECD no. 54), filed on February 20,
25 2013, page 1, paragraph 3, line 23. Huffman has not established through
26 admissible evidence his personal knowledge of Paul Duffy's signature or
27 an expertise that would permit him to opine that Paul Duffy signed the
28 purported subpoena. Fed. R. Evid. 401, 602, 701, 702.

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1 (62) Declaration of Bart Huffman (ECD no. 54), filed on February 20,
2 2013, page 2, paragraph 4, in its entirety. Huffman has not established
3 through admissible evidence his personal knowledge of the matters
4 asserted in paragraph 4 and further engages in inappropriate testimony,
5 argument, speculative lay opinions, and legal conclusions, all supported
6 solely by unauthenticated and inadmissible hearsay. Fed. R. Evid. 401,
7 602, 701, 801, 802, 901, 902, 1005.

8 (63) Declaration of Bart Huffman (ECD no. 54), filed on February 20,
9 2013, page 3, paragraph 7, in its entirety. Huffman has not established
10 through admissible evidence his personal knowledge of the matters
11 asserted in paragraph 7 and further engages in inappropriate testimony,
12 argument, speculative lay opinions, and legal conclusions, based on the
13 hearsay declarations of Camille D. Kerr. Fed. R. Evid. 401, 602, 701,
14 801, 802.

15 (64) Declaration of Bart Huffman (ECD no. 54), filed on February 20,
16 2013, page 3, paragraph 8, in its entirety. Huffman has not established
17 through admissible evidence his personal knowledge of the matters
18 asserted in paragraph 8 and further engages in inappropriate testimony
19 and argument, based on the hearsay declarations of Camille D. Kerr.
20 Fed. R. Evid. 401, 602, 701, 801, 802.

21 **D. Reply Declaration of Morgan E. Pietz (ECF no. 59-1), Filed on March 4,**
22 **2013**

23 (65) Reply Declaration of Morgan Pietz, filed March 4, 2013 (ECF no. 59-
24 1), page 2, paragraph 2, line 7. Pietz has not established through
25 admissible evidence his personal knowledge of the alleged evolution of
26 Prenda Law, Inc. from Steele Hansmeier PLLC; thus, his commentary
27 that Prenda Law, Inc. was formerly known as Steele Hansmeier PLLC is
28 nothing but speculative lay opinion and constitutes an unsupported legal

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conclusion. Fed. R. Evid. 401, 602, 701.

(66) Reply Declaration of Morgan Pietz, filed March 4, 2013 (ECF no. 59-1), page 2, paragraph 4, lines 18-23. Pietz has not established through admissible evidence his personal knowledge of the matters asserted in paragraph 4, lines 18-23 (starting with “However, Prenda...”), and further engages in inappropriate testimony, argument, and speculative lay opinion and legal conclusions, all supported solely on inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802.

(67) Reply Declaration of Morgan Pietz, filed March 4, 2013 (ECF no. 59-1), page 3, paragraph 6, in its entirety. Pietz has not established through admissible evidence his personal knowledge of the matters asserted in paragraph 6 and further engages in inappropriate testimony, argument, and speculative lay opinion, all supported solely by inadmissible hearsay. Exhibit EE has not been properly authenticated, lacks foundation, and constitutes inadmissible hearsay. Exhibit EE has not been sufficiently authenticated to prove the content of the public record and therefore constitutes inadmissible hearsay for purposes of relying on the documents’ content to prove the matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 901, 902, 1005.

(68) Reply Declaration of Morgan Pietz, filed March 4, 2013 (ECF no. 59-1), page 3, paragraph 7, lines 9-14. Pietz has not established through admissible evidence his personal knowledge of the matters asserted in paragraph 7, lines 9-14, and further engages in inappropriate testimony, argument, and speculative lay opinion, all supported solely by inadmissible hearsay. Lines 16-17 (starting with “Mr. Hoerner responded...”) are objectionable as hearsay. Exhibit FF has not been properly authenticated, lacks foundation, and constitutes inadmissible hearsay. Exhibit FF has not been sufficiently authenticated to prove the

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1 content of the public record and therefore constitutes inadmissible
 2 hearsay for purposes of relying on the documents' content to prove the
 3 matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 901, 902, 1005.

4 (69) Reply Declaration of Morgan Pietz, filed March 4, 2013 (ECF no. 59-
 5 1), page 3, paragraph 8, in its entirety. Pietz has not established through
 6 admissible evidence his personal knowledge of the matters asserted in
 7 paragraph 8 and further engages in inappropriate testimony, argument,
 8 and speculative lay opinion, all supported solely by inadmissible hearsay.
 9 Exhibit GG has not been properly authenticated, lacks foundation, and
 10 constitutes inadmissible hearsay. Exhibit GG has not been sufficiently
 11 authenticated to prove the content of the public record and therefore
 12 constitutes inadmissible hearsay for purposes of relying on the
 13 documents' content to prove the matters asserted. Fed. R. Evid. 401,
 14 602, 701, 801, 802, 901, 902, 1005.

15 (70) Reply Declaration of Morgan Pietz, filed March 4, 2013 (ECF no. 59-
 16 1), page 3, paragraph 9, in its entirety. Pietz has not established through
 17 admissible evidence his personal knowledge of the matters asserted in
 18 paragraph 9 and further engages in inappropriate testimony, argument,
 19 and speculative lay opinion, all supported solely by inadmissible hearsay.
 20 Exhibit HH has not been properly authenticated, lacks foundation, and
 21 constitutes and contains inadmissible hearsay. Fed. R. Evid. 401, 602,
 22 701, 801, 802, 901.

23 (71) Reply Declaration of Morgan Pietz, filed March 4, 2013 (ECF no. 59-
 24 1), page 4, paragraph 10, lines 2-4 (starting with "In order to
 25 illustrate..."). Pietz has not established through admissible evidence how
 26 he scaled his photos, justifying the graphic illustration of the hypothetical
 27 circumferences of an available wi-fi signal. Pietz has not established his
 28 expert experience in establishing scale on a third party provider's satellite

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1 photos, the potential ranges for a wi-fi signal, or the graphical
2 representations of those hypothetical ranges. Thus, Exhibit II is
3 inadmissible as an altered copy of an original document, which has not
4 been properly authenticated and lacks foundation. Fed. R. Evid. 401,
5 602, 701, 702, 901.

6 (72) Reply Declaration of Morgan Pietz, filed March 4, 2013 (ECF no. 59-
7 1), page 4, paragraph 11, lines 7-9. Pietz engages in inappropriate
8 testimony, argument, and speculative lay and expert opinion concerning
9 Exhibit JJ, for which no foundation has been laid and which has not been
10 properly authenticated. Pietz has not established his expert experience in
11 determining that Exhibit JJ “is simply an example of the kind of signal
12 range available on the a not-state-of-the-art router” or that the stated 300-
13 500 foot range is the actual range of the router described in the manual.
14 Furthermore, Pietz has not established the relevance of a 10-year old
15 router to the instant action. Finally, Pietz’s inappropriate arguments
16 concerning the range are based solely on the hearsay contained in the
17 document. Fed. R. Evid. 401, 602, 701, 702, 801, 802, 901.

18 **E. Notice of Lodging Deposition Transcript From 30(b)(6) Deposition of**
19 **AF Holdings (ECF no. 69) and Transcript from 30(b)(6) Deposition of**
20 **AF Holdings (ECF nos. 69-1 and 71)**

21 (73) Notice of Lodging Deposition Transcript from 30(b)(6) Deposition of
22 AF Holdings (ECF no. 69), in its entirety, and Transcript from 30(b)(6)
23 Deposition of AF Holdings (ECF nos. 69-1 and 71), in its entirety. The
24 purported transcript contains and constitutes hearsay, is lodged without
25 foundation, and is improperly authenticated. The transcripts lodged with
26 the court is neither verified by the deponent nor authenticated by the
27 court reporter. Fed. R. Evid. 401, 602, 801, 802; Orr v. Bank of Am.,
28 285 F.3d 764, 774 (9th Cir. 2002)(“ It is insufficient for a party to submit,

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1 without more, an affidavit from her counsel identifying the names of the
2 deponent, the reporter, and the action and stating that the deposition is a
3 ‘true and correct copy.’ Such an affidavit lacks foundation even if the
4 affiant counsel were present at the deposition.” (internal citations
5 omitted)); Pavone v. Citicorp Credit Servs., 60 F. Supp. 2d 1040, 1045
6 (S.D. Cal. 1997) (excluding a deposition for failure to submit a signed
7 certification from the reporter).

8 **F. Declaration of Sean Moriarty From Verizon Online, LLC Re:**
9 **Subpoenas in AF Holdings Litigation (ECF no. 77), Filed on March 11,**
10 **2013**

11 (74) Declaration of Sean Moriarty from Verizon Online, LLC re:
12 Subpoenas in *AF Holdings* Litigation (ECF no. 77), filed on March 11,
13 2013, page 2, paragraph 4, in its entirety. Moriarty fails to provide
14 foundation (*i.e.*, describing Verizon Online, LLC’s document retention
15 procedures and whether he actually searched the documents received),
16 while engaging in inappropriate testimony, argument, and speculative lay
17 opinions concerning Verizon Online, LLC’s non-receipt of documents
18 from the court or AF Holdings and its attorneys and Verizon’s
19 hypothetical response to receipt of the documents. Fed. R. Evid. 401,
20 602, 701.

21 (75) Declaration of Sean Moriarty from Verizon Online, LLC re:
22 Subpoenas in *AF Holdings* Litigation (ECF no. 77), filed on March 11,
23 2013, page 3, paragraph 5, lines 3-4. Moriarty fails to provide foundation
24 (*i.e.*, describing Verizon Online, LLC’s document retention procedures
25 and whether he actually searched the documents received), while
26 engaging in inappropriate testimony, argument, and speculative lay
27 opinions concerning the accuracy of Brett Gibbs’ declaration. Fed. R.
28 Evid. 401, 602, 701.

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1 (76) Declaration of Sean Moriarty from Verizon Online, LLC re:
 2 Subpoenas in *AF Holdings* Litigation (ECF no. 77), filed on March 11,
 3 2013, page 3, paragraph 6, lines 7-9 (starting with “If Verizon had
 4 received...”). Moriarty fails to provide foundation (*i.e.*, describing
 5 Verizon Online, LLC’s document retention procedures and whether he
 6 actually searched the documents received), while engaging in
 7 inappropriate testimony, argument, and speculative lay opinions
 8 concerning Verizon Online, LLC’s non-receipt of documents from the
 9 court or AF Holdings and its attorneys and Verizon’s hypothetical
 10 response to receipt of the documents. Fed. R. Evid. 401, 602, 701.

11 **G. Declaration of Sean Moriarty From Verizon Online, LLC Re:**
 12 **Subpoenas in *AF Holdings* Litigation (ECF no. 78), Filed on March 11,**
 13 **2013**

14 (77) Declaration of Sean Moriarty from Verizon Online, LLC re:
 15 Subpoenas in *AF Holdings* Litigation (ECF no. 78), filed on March 11,
 16 2013, page 2, paragraph 4, in its entirety. Moriarty fails to provide
 17 foundation (*i.e.*, describing Verizon Online, LLC’s document retention
 18 procedures and whether he actually searched the documents received),
 19 while engaging in inappropriate testimony, argument, and speculative lay
 20 opinions concerning Verizon Online, LLC’s non-receipt of documents
 21 from the court or AF Holdings and its attorneys and Verizon’s
 22 hypothetical response to receipt of the documents. Fed. R. Evid. 401,
 23 602, 701.

24 (78) Declaration of Sean Moriarty from Verizon Online, LLC re:
 25 Subpoenas in *AF Holdings* Litigation (ECF no. 78), filed on March 11,
 26 2013, page 3, paragraph 5, lines 3-4. Moriarty fails to provide foundation
 27 (*i.e.*, describing Verizon Online, LLC’s document retention procedures
 28 and whether he actually searched the documents received), while

1 engaging in inappropriate testimony, argument, and speculative lay
 2 opinions concerning the accuracy of Brett Gibbs' declaration. Fed. R.
 3 Evid. 401, 602, 701.

4 (79) Declaration of Sean Moriarty from Verizon Online, LLC re:
 5 Subpoenas in *AF Holdings* Litigation (ECF no. 78), filed on March 11,
 6 2013, page 3, paragraph 6, lines 7-9 (starting with "If Verizon had
 7 received..."). Moriarty fails to provide foundation (*i.e.*, describing
 8 Verizon Online, LLC's document retention procedures and whether he
 9 actually searched the documents received), while engaging in
 10 inappropriate testimony, argument, and speculative lay opinions
 11 concerning Verizon Online, LLC's non-receipt of documents from the
 12 court or AF Holdings and its attorneys and Verizon's hypothetical
 13 response to receipt of the documents. Fed. R. Evid. 401, 602, 701.

14 **H. Declaration of Morgan E. Pietz (ECF no. 117-1), Filed on April 16, 2013**

15 (80) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1),
 16 page 2, paragraph 2, line 6-8. Pietz has not established through
 17 admissible evidence his personal knowledge that Prenda Law, Inc. had
 18 "targeted" his client "as the supposed John Doe defendant in *Ingenuity*
 19 *13, LLC v. John Doe*, C.D. Cal. No. 12-cv-8333." Pietz also engages in
 20 inappropriate testimony, argument, and speculative lay opinion. Indeed,
 21 Pietz's client was never named a defendant in this matter. Fed. R. Evid.
 22 401, 602, 701.

23 (81) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1),
 24 page 2, paragraph 3, in its entirety. Pietz has not established through
 25 admissible evidence his personal knowledge of the matters asserted in
 26 paragraph 3 and further engages in inappropriate testimony, argument,
 27 and lay and expert opinion, all supported solely by inadmissible hearsay
 28 and double hearsay. Exhibit KK has not been properly authenticated,

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1 lacks foundation, and constitutes and contains inadmissible hearsay and
2 double hearsay. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901.
3 (82) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1),
4 page 2, paragraph 4, in its entirety. Pietz has not established through
5 admissible evidence his personal knowledge of the matters asserted in
6 paragraph 4 and further engages in inappropriate testimony, argument,
7 and speculative lay opinion, all supported solely by inadmissible hearsay.
8 Pietz has not shown that the author of the letter was acting within his
9 scope of agency on behalf of John Steele. Further, Exhibit LL is
10 irrelevant, as “an interest in Prenda clients” does not necessarily equate to
11 an ownership interest in AF Holdings, LLC or Ingenuity 13, LLC.
12 Exhibit LL has not been properly authenticated, lacks foundation, and
13 constitutes inadmissible hearsay. Exhibit LL has not been sufficiently
14 authenticated to prove the content of the public record and therefore
15 constitutes inadmissible hearsay for purposes of relying on the
16 documents’ content to prove the matters asserted. Fed. R. Evid. 401,
17 602, 701, 801, 802, 901, 902, 1005.
18 (83) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1),
19 page 2, paragraph 5, in its entirety. Pietz has not established through
20 admissible evidence his personal knowledge of the matters asserted in
21 paragraph 5 and further engages in inappropriate testimony, argument,
22 speculative lay opinion, and legal conclusions, all supported solely by
23 inadmissible hearsay. Exhibit MM has not been properly authenticated,
24 lacks foundation, and constitutes and contains inadmissible hearsay and
25 double hearsay. Exhibit MM has not been sufficiently authenticated to
26 prove the content of the public record and therefore constitutes
27 inadmissible hearsay for purposes of relying on the documents’ content
28 to prove the matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 805,

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901, 902, 1005.

(84) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1), pages 2-3, paragraph 6, in its entirety. Pietz has not established through admissible evidence his personal knowledge of the matters asserted in paragraph 6 and further engages in inappropriate testimony and argument, all supported solely by inadmissible hearsay. Exhibits MM and NN have not been properly authenticated, lack foundation, and constitute and contain inadmissible hearsay and double hearsay. Exhibits MM and NN have not been sufficiently authenticated to prove the content of the public record and therefore constitutes inadmissible hearsay for purposes of relying on the documents' content to prove the matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901, 902, 1005.

(85) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1), page 3, paragraph 7, in its entirety. Pietz has not established through admissible evidence his personal knowledge of the matters asserted in paragraph 7 and further engages in inappropriate testimony, argument, and speculative lay opinion, all supported solely by inadmissible hearsay. Pietz has no foundation to state that the CM/ECF was current as of April 12, 2013, or that "Nazaire remains counsel of record of AF Holdings, LLC." Exhibit OO and has not been properly authenticated, lacks foundation, and constitutes inadmissible hearsay. Exhibit OO has not been sufficiently authenticated to prove the content of the public record and therefore constitutes inadmissible hearsay for purposes of relying on the documents' content to prove the matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 901, 902, 1005.

(86) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1), page 3, paragraph 8, in its entirety. Pietz has not established through

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1 admissible evidence his personal knowledge of the matters asserted in
2 paragraph 8 and further engages in inappropriate testimony, argument,
3 and speculative lay opinion, all supported solely by inadmissible hearsay.
4 Pietz has no personal knowledge that the Brent Berry of the Pietz
5 declaration is the Brent Berry who provided a declaration concerning
6 Alan Cooper in this matter or that the real estate pictured at the website
7 provided in the Pietz declaration was once owned by John Steele.
8 Exhibit PP has not been properly authenticated, lacks foundation, and
9 constitutes inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802,
10 901.

11 (87) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1),
12 page 3, paragraph 9, in its entirety. Pietz has not established through
13 admissible evidence his personal knowledge of the matters asserted in
14 paragraph 9 and further engages in inappropriate testimony, argument,
15 and speculative lay opinion, all supported solely by inadmissible hearsay.
16 Exhibit PP, upon which Pietz relies for his improper testimony and
17 argument, has not been properly authenticated, lacks foundation, and
18 constitutes inadmissible hearsay. Fed. R. Evid. 401, 602, 701, 801, 802,
19 901.

20 (88) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1),
21 page 3, paragraph 10, in its entirety. Pietz has not established through
22 admissible evidence his personal knowledge of the matters asserted in
23 paragraph 10. Exhibit QQ and has not been properly authenticated, lacks
24 foundation, and constitutes and contains inadmissible hearsay and double
25 hearsay (a transcript downloaded from a link provided on the Wall Street
26 Journal's blogsite). Exhibit QQ has not been sufficiently authenticated to
27 prove the content of the public record and therefore constitutes
28 inadmissible hearsay for purposes of relying on the documents' content

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1 to prove the matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 805,
2 901, 902, 1005.

3 (89) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1),
4 page 4, paragraph 11, lines 3 (“reasonably expended”), 4-5 (“which I was
5 surprised to see special counsel attack, given that it is on the low end of
6 the applicable range for an attorney with my experience.”), 8-10 (“I view
7 the reply and related filings as made necessary by the late filing of new
8 arguments by Prenda Senior Management, and by the legal issues
9 broached by the surprising invocation of the Fifth Amendment”). Pietz
10 engages in inappropriate testimony, argument, lay and expert opinions,
11 and legal conclusions. Fed. R. Evid. 401, 602, 701, 702.

12 (90) Declaration of Morgan Pietz, filed April 16, 2013 (ECF no. 117-1),
13 page 4, paragraph 12, in its entirety. Pietz engages in inappropriate
14 testimony, argument, and speculation. Further, the sanctions to which
15 Pietz refers in paragraph 12, arising from Prenda Law’s purported failure
16 to respond to discovery, arise from application of Federal Rule of Civil
17 Procedure 26, not Rule 11 or Rule 83. The Court’s OSC order arose after
18 dismissal of the underlying cases; therefore, Pietz’s improper argument is
19 also irrelevant to the issues before the court. Fed. R. Evid. 401, 602, 701;
20 FRCP Rules 11, 26, 83.

21 **I. Declaration of Graham W. Syfert (ECF no. 124), Filed on April 18, 2013**

22 (91) Declaration of Graham W. Syfert (ECF no. 124), filed on April 18,
23 2013, page 2, paragraph 2, lines 9-12 (starting with “conducted the
24 hearing...”).¹ Syfert has not established through admissible evidence his
25 personal knowledge of the matters asserted in lines 9-12 and further
26 engages in inappropriate testimony, argument, speculative lay opinion,
27 and legal conclusions, all supported solely by inadmissible hearsay (the

28 ¹ It is highly doubtful that Mr. Syfert “conducted” the hearing.

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rebuke allegedly provided by Judge Scriven and Exhibit N). Exhibit N, upon which Syfert relies, has not been properly authenticated, lacks foundation, and contains and constitutes inadmissible hearsay and double hearsay. Exhibit N has not been sufficiently authenticated to prove the content of the public record and therefore is inadmissible hearsay for purposes of relying on the document’s content to prove the matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 805, 901, 902, 1005.

(92) Declaration of Graham W. Syfert (ECF no. 124), filed on April 18, 2013, page 2, paragraph 3, lines 15-17 (starting with “and hereby affirm...” and ending with “a Florida Attorney...”). Syfert has not established through admissible evidence his personal knowledge of the matters asserted in lines 15-17 regarding whether Exhibit LL was John Steele’s “answer to the Florida bar complaint” filed by Syfert. Exhibit LL has not been sufficiently authenticated to prove the content of the public record and therefore constitutes inadmissible hearsay for purposes of relying on the documents’ content to prove the matters asserted. Fed. R. Evid. 401, 602, 701, 801, 802, 901, 902, 1005.

(93) Declaration of Graham W. Syfert (ECF no. 124), filed on April 18, 2013, page 2, paragraph 4, lines 22-25 (starting with “or the Florida Bar...”). Syfert has not established through admissible evidence his personal knowledge of the matters asserted in lines 22-25 regarding whether the Florida Bar added the asterisks to Exhibit LL and how additional headers and footers appeared on Exhibit LL. Fed. R. Evid. 401, 602, 701.

J. March 11, 2013 Hearing on Order to Show Cause

(94) Exhibit 6 at March 11, 2013 hearing, Declaration of Bart Huffman, in its entirety.

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1 This evidence is objected to on the ground that it lacks foundation. (Pietz
2 has not established how he has personal knowledge regarding the
3 authenticity of this document.) FED. R. EVID. 602. This evidence also
4 contains inadmissible hearsay. FED. R. EVID. 801(c).

5 The following portions of this exhibit are also objected to as follows:

6 (a) Paragraph 3, “The Subpoena to AT&T (i) is signed by Paul Duffy of
7 Prenda Law, Inc.” This evidence is objected to on the ground that it
8 lacks foundation. (Huffman has not established how he has personal
9 knowledge regarding a third party’s conduct.) FED. R. EVID. 602.

10 (b) Paragraph 4, in its entirety. This evidence is objected to on the
11 ground that it lacks foundation. (Huffman has not established how
12 he has personal knowledge regarding a third party’s conduct and/or
13 thoughts.) FED. R. EVID. 602.

14 (c) Paragraph 5, in its entirety. This evidence is objected to on the
15 ground that it lacks foundation. (Huffman has not established how
16 he has personal knowledge regarding a third party’s conduct and/or
17 thoughts.) FED. R. EVID. 602. This evidence also contains
18 inadmissible hearsay. FED. R. EVID. 801(c).

19 (d) Paragraph 6, in its entirety. This evidence is objected to on the
20 ground that it lacks foundation. (Huffman has not established how
21 he has personal knowledge regarding a third party’s conduct and/or
22 thoughts.) FED. R. EVID. 602. This evidence also contains
23 inadmissible hearsay. FED. R. EVID. 801(c).

24 (e) Paragraph 7, in its entirety. This evidence is objected to on the
25 ground that it lacks foundation. (Huffman has not established how
26 he has personal knowledge regarding a third party’s conduct and/or
27 thoughts.) FED. R. EVID. 602. This evidence also contains
28 inadmissible hearsay. FED. R. EVID. 801(c).

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1 (f) Paragraph 8, in its entirety. This evidence is objected to on the
2 ground that it lacks foundation. (Huffman has not established how
3 he has personal knowledge regarding a third party’s conduct and/or
4 thoughts.) FED. R. EVID. 602. This evidence also contains
5 inadmissible hearsay. FED. R. EVID. 801(c).

6 (95) Exhibit 7 at March 11, 2013 hearing, Declaration of Camille D. Kerr,
7 in its entirety. This evidence is objected to on the ground that it lacks
8 foundation. (Pietz has not established how he has personal knowledge
9 regarding the authenticity of this document.) FED. R. EVID. 602. This
10 evidence also contains inadmissible hearsay. FED. R. EVID. 801(c).

11 (96) Exhibit 8 at March 11, 2013 hearing, Declaration of Sean Moriarty, in
12 its entirety. This evidence is objected to on the ground that it lacks
13 foundation. (Pietz has not established how he has personal knowledge
14 regarding the authenticity of this document.) FED. R. EVID. 602. This
15 evidence also contains inadmissible hearsay. FED. R. EVID. 801(c).

16 The following portions of this exhibit are also objected to as follows:

17 (a) Paragraph 3, in its entirety. This evidence is objected to on the ground
18 that it lacks foundation. (Moriarty has not established how he has
19 personal knowledge, including, for example, whether he personally
20 reviewed Verizon records.) FED. R. EVID. 602.

21 (b) Paragraph 4, in its entirety. This evidence is objected to on the ground
22 that it lacks foundation. (Moriarty has not established how he has
23 personal knowledge, including, for example, whether he personally
24 reviewed Verizon records.) FED. R. EVID. 602.

25 (c) Paragraph 5, “Again, based on Verizon’s records this statement
26 appears to be wrong.” for example, whether he personally reviewed
27 Verizon records.) FED. R. EVID. 602. This evidence also contains
28 inadmissible hearsay. FED. R. EVID. 801(c).

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1 (d) Paragraph 6, in its entirety. This evidence is objected to on the ground
2 that it lacks foundation. (Moriarty has not established how he has
3 personal knowledge, including, for example, whether he personally
4 reviewed Verizon records.) FED. R. EVID. 602.

5 (97) Exhibit 10 at March 11, 2013 hearing, Declaration of Michael B.
6 Stone, in its entirety. This evidence is objected to on the ground that it
7 lacks foundation. (Pietz has not established how he has personal
8 knowledge regarding the authenticity of this document.) FED. R. EVID.
9 602. This evidence also contains inadmissible hearsay. FED. R. EVID.
10 801(c).

11 The following portions of this exhibit are also objected to as follows:

12 (a) Paragraph 4, in its entirety. This evidence is objected to on the
13 ground that it lacks foundation. (Stone has not established how he
14 has personal knowledge regarding a third party's conduct.) FED. R.
15 EVID. 602.

16 (b) Paragraph 5, in its entirety. This evidence is objected to on the
17 ground that it lacks foundation. (Stone has not established how he
18 has personal knowledge regarding a third party's conduct.) FED. R.
19 EVID. 602.

20 (98) Exhibit 11 at March 11, 2013 hearing, Declaration of Samuel
21 Teitelbaum, in its entirety. This evidence is objected to on the ground
22 that it lacks foundation. (Pietz has not established how he has personal
23 knowledge regarding the authenticity of this document.) FED. R. EVID.
24 602. This evidence also contains inadmissible hearsay. FED. R. EVID.
25 801(c). This evidence also contains irrelevant material. (It concerns
26 litigation involving none of the same parties, attorneys, or law firms as
27 the cases subject to this order to show cause hearing.) FED. R. EVID. 401.

28 The following portions of this exhibit are also objected to as follows:

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- 1 (a) Paragraph 2, “which has since changed its name [sic] Prenda Law,
2 Inc.” This evidence is objected to on the ground that it lacks
3 foundation. (Teitelbaum has not established how he has personal
4 knowledge regarding the relative organizational histories of Steele
5 Hansmeier, PLLC and Prenda Law, Inc.) FED. R. EVID. 602.
- 6 (b) Paragraph 2, in its entirety, except first two sentences. This evidence
7 contains inadmissible hearsay. FED. R. EVID. 801(c).
- 8 (c) Paragraph 5, in its entirety. This evidence contains inadmissible
9 hearsay. FED. R. EVID. 801(c). This evidence also contains irrelevant
10 material. FED. R. EVID. 401.
- 11 (d) Paragraph 6, “Apparently after the Boy Racer Inc. vs. Does 1-60
12 case was dismissed.” This evidence is objected to on the ground that
13 it lacks foundation. (Teitelbaum has not established how he has
14 personal knowledge regarding when the case was dismissed such
15 that he can reach a definitive conclusion regarding the relative times
16 of the dismissal and new case filing.) FED. R. EVID. 602.
- 17 (e) Paragraph 7, “I was informed by my lawyer that plaintiff had served
18 me with a Deposition Subpoena notice at my former residence in
19 Menlo Park, CA on February 1, 2012.” This evidence is objected to
20 on the ground that it lacks foundation. This evidence is objected to
21 on the ground that it lacks foundation. (Teitelbaum has not
22 established how he has personal knowledge regarding service.) FED.
23 R. EVID. 602. This evidence contains inadmissible hearsay. FED. R.
24 EVID. 801(c).
- 25 (99) Exhibit 12 at March 11, 2013 hearing, Affidavit of John Steele, in its
26 entirety. This evidence is objected to on the ground that it lacks
27 foundation. (Pietz has not established how he has personal knowledge
28 regarding the authenticity of this document.) FED. R. EVID. 602. This

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1 evidence also contains inadmissible hearsay. FED. R. EVID. 801(c).
2 (100) Exhibit 13 at March 11, 2013 hearing, Motion for Withdrawal and
3 Substitution of Counsel, in its entirety. This evidence is objected to on
4 the ground that it lacks foundation. (Pietz has not established how he has
5 personal knowledge regarding the authenticity of this document.) FED. R.
6 EVID. 602. This evidence also contains inadmissible hearsay. FED. R.
7 EVID. 801(c). This evidence also contains irrelevant material. (It concerns
8 litigation outside the cases subject to this order to show cause hearing.)
9 FED. R. EVID. 401.

10 (101) Exhibit 14 at March 11, 2013 hearing, Declaration of Matt Catlett, in
11 its entirety. This evidence contains inadmissible hearsay. FED. R. EVID.
12 801(c). This evidence also contains irrelevant material. (It concerns
13 litigation outside the cases subject to this order to show cause hearing.)
14 FED. R. EVID. 401.

15 The following portions of this exhibit are also objected to as follows:

16 (a) Paragraph 3, “On the last page, where Matthew Jenkins, the local
17 counsel who filed the complaint, lists his contact information, the
18 email address he lists on the pleadings is
19 ‘blgibbs@wefightpiracy.com’” This evidence is objected to on the
20 ground that it lacks foundation. (Catlett has not established how he
21 has personal knowledge regarding who filed or prepared the
22 pleadings.) FED. R. EVID. 602. This evidence also contains
23 inadmissible hearsay. FED. R. EVID. 801(c).

24 (b) Paragraph 4, “apparently in error, from Sirh-Ryun Douglas. I believe
25 this e-mail was intended for my opposing counsel in the Lightspeed
26 Case, Matthew Jenkins (we have the same first name). This e-mail
27 appears to show Ms. Dugas involved in an active role managing
28 Prenda Matters with Prenda local counsel.” This evidence is

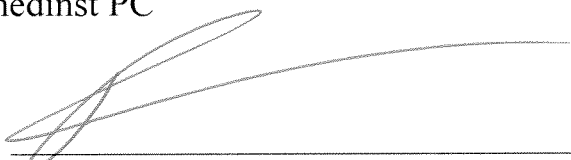
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objected to on the ground that it lacks foundation. (Catlett has not established how he has personal knowledge regarding third parties' thoughts or conduct.) FED. R. EVID. 602.

(102) Exhibit 18 at March 11, 2013 hearing, demand letter in *Guava LLC v. Comcast Cable Communications, Inc.*, in its entirety. This evidence is objected to on the ground that it lacks foundation. (Pietz has not established how he has personal knowledge regarding the authenticity of this document.) FED. R. EVID. 602. This evidence also contains inadmissible hearsay. FED. R. EVID. 801(c). This evidence also contains irrelevant material. (It concerns litigation outside the cases subject to this order to show cause hearing.) FED. R. EVID. 401.

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Bv: 

DATED: April 23, 2013

Heather L. Rosing
David M. Majchrzak
Philip W. Vineyard
Specially appearing for
Paul Duffy, Angela Van Den Hemel,
and Prenda Law, Inc.

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