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10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 AF HOLDINGS, L.L.C., a St. Kitts and
14 Nevis limited liability company,

15 Plaintiff,

16 v.

17 DAVID HARRIS,

18 Defendant.

Case No.: 2:12-cv-02144-PHX – GMS

**COVER SHEET FOR LODGED
PROPOSED NON-PARTIES' REPLY
TO PLAINTIFF'S RESPONSE TO
ORDER TO SHOW CAUSE**

19
20 Attached is the lodged proposed Non-Parties' Reply to Plaintiff's Response to
21 Order to Show Cause.

22 **KELLY / WARNER, PLLC**

23 By /s/ Paul D. Ticen

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15 Plaintiff,

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19
20 Non-parties, who are identified by IP Address Nos. 72.223.91.187,
21 68.230.120.162, 68.106.45.9, 68.2.87.48, 98.165.107.179 and 68.2.92.187 and targeted
22 through a subpoena *duces tecum* issued in connection with this matter, hereby submit a
23 reply to Plaintiff's response to the Court's Order to Show Cause. Plaintiff, through a
24 series of declarations, crafts a detailed story admitting (for the first time) that the Alan
25 Cooper who testified during the March 11, 2013 show cause hearing conducted by Judge
26 Wright is indeed the individual who purportedly signed the assignment. However,
27 Plaintiff story attempting to cast doubt on Mr. Cooper's "repudiation" of his involvement
28 as Plaintiff's corporate representative, is not credible. A significant part of Plaintiff's
story is based on Attorney John Steele's declaration. The same John Steele who among

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1 Prenda Law's principals, and who Judge Wright found has an ownership interest in
2 Plaintiff (among other shell companies). (See *Ingenuity 13, LLC v. John Doe*, CD Cal,
3 2:12-cv-08333, ECF Doc No 130 at 3:24-4:7). Mr. Steele's incredulously claims that his
4 involvement was limited to an offer to facilitate an introduction between Mr. Cooper and
5 Mark Lutz, concerning Mr. Lutz's companies. (ECF Doc No 59-4 at ¶ 9). And a
6 recommendation that Mr. Cooper gain exposure to the porn industry by serving as
7 corporate representative. (*Id.* at ¶ 10). Although, the time frame of this conversation is
8 unclear, it's reasonable to infer that it occurred no later than 2011 based on Mr. Steele's
9 "understanding" that Mr. Cooper connected with Mr. Lutz and "participated in a limited
10 number of transactions in 2011 with Mr. Lutz's companies." (*Id.* at ¶ 11). Notably
11 absent are Mr. Steele's claim that Mr. Cooper authorized him to use his identity and
12 signature in connection with anything and Mr. Steele's express denial that he or others at
13 his direction misappropriated Mr. Cooper's identity and forged signature on the
14 assignment.

15
16 Mr. Steele's declaration cannot withstand scrutiny. Mr. Steele's declaration is
17 discredited by documents subpoenaed from GoDaddy.com, LLC in connection with the
18 Minnesota case and Paul Hansmeier deposition testimony as Plaintiff's designated
19 30(b)(6) deponent. Further, a transcript of voice call recordings left by John Steele on
20 Mr. Cooper's voice mail shortly after he (Steele) learned that Mr. Cooper hired Attorney
21 Paul Godfread concerning his misappropriated identity, strongly supports that Mr.
22 Steele's story is the one spawned by retaliation and vengeance.

23
24 **1. GoDaddy.com, LLC records show John Steele misappropriated Mr. Cooper's Identity as early as November 6, 2010.**

25 On November 6, 2010 at 10:01 a.m., John Steele created a GoDaddy account and
26 was assigned Shopper ID 39706942. (See GoDaddy Document for Shopper ID
27 39706942, attached as **Exhibit 1** hereto at pg. marked as bates number GD000001) and
28 GD000074). Initially, Mr. Steele used his own name and the business address for Steele
Hansmeier, PLLC. (*Id.* at pg. marked as bates number GD000074; See May 16, 2011

1 demand letter from Steele Hansmeier, PLLC, attached as **Exhibit 2** hereto). However, a
2 mere 15 minutes later, Mr. Steele changed the customer name from himself to Alan
3 Cooper. (Exhibit 1 at pg. marked as bates number GD000074). And his business
4 address to 4532 East Villa Teresa Drive in Phoenix, where an individual by the name of
5 Jayme Steele was living at the time. (Id., See Medical Lien recorded by St. Joseph's
6 Hospital with the Maricopa County Recorder, Recording Number 20120901595,
7 attached as **Exhibit 3** hereto). This GoDaddy account was used to secure a number of
8 domains, and the customer history reveals little doubt that an individual by John Steele
9 had contact with GoDaddy customer service, including issues with the domain
10 www.wefightpiracy.com. (Exhibit 1 at pgs. bates numbered as GD000002-08 and
11 GD000011).

12
13 Significantly, Mr. Cooper's name and the Phoenix address were also used in
14 connection with setting up an entity in the State of Minnesota entitled VPR, Inc.
15 (Ingenuity 13, LLC v. John Doe, ECF Doc No. 93 at 30:19-31:7). Mr. Cooper who
16 testified during the March 11th show cause hearing, including being cross-examined by
17 Brett Gibbs' (Of Counsel to Prenda Law) lawyer, denied living at that address or ever
18 having been to Arizona. (Id. at 30:23-31:7). And Mr. Cooper denied ever registering
19 the domain "nottissues.com, which is one of the domain names acquired under the
20 account for Shopper ID 39706942. (Id. at 31:17-20; Exhibit 1 at pg. marked as bates
21 number GD000008).

22 Mr. Steele's purported limited involvement as a merely offering to make the
23 introduction (not that he actually did) cannot survive scrutiny in light of these GoDaddy
24 documents establishing that Mr. Steele indeed used Mr. Cooper's identity, and
25 undoubtedly his electronic signature when accepting GoDaddy terms and conditions.

26 **2. Paul Hansmeier Testified that John Steele was Actively Involved in**
27 **Securing The Assignment with Cooper's Signature.**

28 Mr. Hansmeier, as Plaintiff's designated 30(b)(6) deponent, testified to a number
of particularized matters. See Notice of Deposition of AF Holdings, LLC in *AF*

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1 *Holdings v. Joe Navasca*, ND Cal, 3:12-cv-02396, attached as **Exhibit 4** hereto). The
2 particularized matters included circumstances surrounding the assignment, whether the
3 Mr. Cooper employed by Mr. Steele was the individual whose signature appeared on the
4 assignment and Plaintiff's ownership structure and operations. *Id.* On February 19,
5 2013, Mr. Hansmeier testified to the following:

- 6 • Mark Lutz, Plaintiff's purported CEO, asked Mr. Steele to arrange for a
7 corporate representative to acknowledge the assignment agreement on
8 behalf of Plaintiff. (*Ingenuity 13 v. John Doe*, ECF Doc No 71 at 122:2-
9 11);
- 10 • John Steele did so and returned the assignment bearing Alan Cooper's
11 signature to Plaintiff (*Id.* at 122:9-11)
- 12 • John Steele informed him (Mr. Hansmeier) that the Cooper signature was
13 authentic and not a forgery. (*Id.* at 123:-15-18, 124:6-7).
- 14 • John Steele is the only person who knows the Alan Cooper that was the
15 caretaker of Mr. Steele's property in Minnesota. (*Id.* at 126:18-127:2).

16 Plaintiff's Response paints a different picture concerning Mr. Steele's
17 involvement. The above testimony undeniably directly contradicts Mr. Steele's
18 declaration. Both stories cannot be true and correct. These contradictions further
19 discredit John Steele's declaration and Plaintiff's Response.
20

21 **3. John Steele's Voice Mails Demonstrate That He Is Seeking Revenge**
22 **Against Mr. Cooper.**

23 While Plaintiff's paints Mr. Cooper as the individual seeking revenge, in reality,
24 John Steele is the person retaliating against Mr. Cooper, and the one acting vengeful.
25 After Mr. Godfread informed Mr. Steele that he (Godfread) was representing Mr.
26 Cooper in connection with the misappropriated identity and forged signature, Mr. Steele
27 repeatedly called Mr. Cooper's cell phone and left messages. A transcript of these voice
28 messages was an exhibit to the March 11th show cause hearing. (*Ingenuity 13, LLC v.*
John Doe, ECF Doc No 79-1). Mr. Cooper also testified that Mr. Steele left him voice

1 messages and sent him text messages. (*Id.*, ECF Doc No. 93 at 32:5-23). Notably, Mr.
2 Steele threatened to bring lawsuits against Mr. Cooper, which given the timing, was
3 undeniably in retaliation for Mr. Godfread's call questioning the misappropriated
4 identity. (*Id.* at 3:3-17). The threatening manner behind the voice messages is easily
5 discerned, especially given the dynamics between a lawyer and non-lawyer. The
6 vengeful nature of these voice messages further discredits the veracity of Mr. Steele's
7 declaration.

8 **4. Conclusion**

9 Plaintiff's response lacks credibility. It relies significantly on Mr. Steele's
10 declaration to question Mr. Cooper's purported "repudiation" of his willingness to serve
11 as Plaintiff's corporate representative. However, Mr. Steele's declaration is discredited
12 by documents subpoenaed from GoDaddy.com, LLC in connection with the Minnesota
13 case, Paul Hansmeier deposition testimony as Plaintiff's designated 30(b)(6) deponent
14 and the vengeful nature of Mr. Steele's voice messages.
15

16
17 RESPECTFULLY submitted this 4th day of June, 2013.

18 **KELLY / WARNER, PLLC**

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CERTIFICATE OF FILING AND SERVICE

Pursuant to the Case Management/Electronic Case Filing Administrative Policies and Procedures Manual (“CM/ECF Manual”) of the United States District Court for the District of Arizona, I hereby certify that on June 4, 2013, I electronically filed:

NON-PARTIES' REPLY TO PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE

with the U.S. District Court clerk’s office using the ECF system, which will send notification of such filing to the assigned Judge and to the following counsel of record:

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