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13 **UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 PRENDA LAW, INC.,
16
17 Plaintiff-Respondent,
18
19 v.
20 PAUL GODFREAD, ALAN COOPER,
21 and JOHN DOES 1-10
22 Defendant-Movant.

Case No. _____

**DEFENDANT-MOVANT JOHN DOE
“DIE TROLL DIE”’S REQUEST FOR
LEAVE TO FILE OVERSIZED
MEMORANDUM IN SUPPORT OF
MOTION TO QUASH**

[Fed. R. Civ. Pro. 45(c) and L.R. Civ. 7.2]

1 Defendant-Movant John Doe, a.k.a. “Die Troll Die” (“DTD”) respectfully requests
2 that this Court grant leave to file an oversize memorandum in support of DTD’s Motion to
3 Quash the Subpoena to Wild West Domains Seeking Identity Information (“Motion to
4 Quash”). Although the undersigned as made every effort to comply with this Court’s page
5 limit, DTD’s memorandum, attached to this Request as Exhibit A, exceeds the 17 page
6 limit of Local R. Civ. Pro. 7.2(e) by 7 pages. This request is made on the basis that DTD’s
7 Motion to Quash must respond to every factual allegation and substantive claim against
8 him made by Plaintiff-Respondent Prenda Law, Inc. in its 147 paragraph, eight count
9 Amended Complaint, asserting libel per se, false lights, tortious interference with a
10 contract, tortious interference with a business expectancy, and civil conspiracy.

11 As discussed in the Motion to Quash, DTD will move this Court to quash Prenda
12 Law’s February 27, 2013 subpoena to non-party Wild West Domains because the Subpoena
13 fails to meet the First Amendment requirements demanded of litigants attempting to use the
14 discovery process to obtain identity-related information regarding anonymous online
15 speakers. *Best Western Int’l, Inc. v. Doe*, No. CV-06-1537-PHX-DGC, 2006 WL 2091695,
16 at *4 (D. Ariz. July 25, 2006) (citing *Doe v. Cahill*, 884 A.2d 451, 456 (Del. 2005)). Most
17 importantly, all of the causes of action are based on speech that, while often critical of
18 Prenda Law, is protected by the First Amendment. Second, DTD is the operator of an
19 online message board and, under Section 230 of the Communications Decency Act, 47
20 U.S.C. § 230(c), DTD cannot be held liable for the allegedly defamatory statements of
21 others posted on his message board.

22 Of particular note, the *Cahill* test, requires that Plaintiff
23 submit sufficient evidence to establish a *prima facie* case for each essential
24 element of the claim in question. . . . [*i.e.*], [Plaintiff] must introduce evidence
25 creating a genuine issue of material fact for all elements of [the] claim within
26 plaintiff’s control.

26 *Cahill*, 884 A.2d at 460-61.

27 Plaintiff’s sprawling, 147 paragraph complaint catalogs dozens of separate
28 statements made by various identified and unidentified defendants over the course of more

1 than 30 paragraphs and 60 exhibits. In order for DTD to effectively demonstrate that
2 Plaintiff has failed to meet its burden under *Cahill*, the Motion to Quash must not only
3 provide this Court with the applicable factual, procedural, statutory, and constitutional
4 background for the Motion, but explain how each of more than a dozen statements that
5 Plaintiff has alleged was actually made by DTD is lawful. Additionally, DTD must address
6 the significant body of case law regarding the First Amendment right to anonymous speech
7 as applied in the online context, as well as the statutory protections of Section 230, all of
8 which is highly relevant to the questions before the Court. DTD's Motion to Quash
9 therefore includes substantial analysis of Plaintiff's underlying claims, akin to what would
10 generally be included in the separate statement of facts accompanying a motion for
11 summary judgment. *See Cahill*, 884 A.2d at 460.

12 For these reasons, DTD respectfully requests this Court grant leave to exceed the
13 page limit for his Motion to Quash. A proposed order and DTD's proposed Motion to
14 Quash accompany this filing.

15 DATED: April 16, 2013

Respectfully submitted,

16 By: /s/ Paul D. Ticen

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28 JOHN DOE "DIE TROLL DIE"

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 April 17, 2013, I electronically filed:

**DEFENDANT-MOVANT JOHN DOE “DIE TROLL DIE”’S REQUEST FOR
LEAVE TO FILE OVERSIZED MEMORANDUM IN SUPPORT OF MOTION
TO QUASH**

with the U.S. District Court clerk’s office using the ECF system. Through electronic mail and first class U.S. Mail, I will send notification to the following counsel of record:

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