

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA**

AF HOLDINGS LLC,)	
)	
Plaintiff,)	
)	
v.)	Case : 1:12-cv-00048
)	
DOES 1 – 1058,)	Judge : Hon. Beryl A. Howell
)	
Defendants.)	
)	

PLAINTIFF’S REQUEST FOR JUDICIAL NOTICE

Plaintiff respectfully requests that the Court take judicial notice of one fact. The Court should take judicial notice of the fact that while Comcast Cable Communications LLC (“Comcast”) was objecting to Plaintiff’s subpoenas, they were also actively complying with subpoenas issued in a case with almost four times the numbers of the putative defendants in the instant action, with more extreme issues of personal jurisdiction. *See, e.g., Nu Imagine, Inc. v. Does 1-3,932*, 2:11-cv-00545-JES-SPC (M.D. Fla. May 8, 2012), ECF No. 217 (Motion to Quash Subpoena directed to Comcast), attached hereto as Exhibit A. This demonstrates that Comcast’s objections in this case were not made in good faith.

LEGAL STANDARD

A court may take judicial notice of “a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b); *see also Farah v. ESQUIRE MAGAZINE, INC.*, No. 11-1169 (D.D.C. June 4, 2012), ECF No. 20 at *9. A court may take judicial notice at any stage in a case. *Id.*

DISCUSSION

The fact that Comcast has been actively complying with subscriber identification subpoenas in other cases is readily determined by a review of the record in *Nu Imagine, Inc. v. Does 1-3,932*, 2:11-cv-00545-JES-SPC (M.D. Fla. 2011). (Ex. A.) Several motions to quash were filed in the case by Comcast subscribers, which would only occur if Comcast was actively complying with the respective plaintiff's subpoenas. This fact is notable, because Comcast has represented to the Court on the record that the so-called procedural infirmities in Plaintiff's action impose an undue burden that prevents it from complying with Plaintiff's subpoena. Yet, during the pendency of its objections Comcast was actively complying with subscriber identification subpoenas in a case involving 3,932 Doe defendants (nearly four times the amount of defendants in this case) with Doe defendants whose IP geolocations resolved to locations across the United States. *Id.* Absent a plausible explanation, Comcast's objections are irrefutably a sham. Even though Comcast is a major corporation, it is still required to follow the law.

CONCLUSION

The Court must take judicial notice that Comcast has been actively complying with subscriber identification subpoenas in cases involving the exact same issues as those raised in its objections. This fact can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned

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Respectfully submitted,

AF Holdings LLC

DATED: July 25, 2012

By: /s/ Paul A. Duffy
Paul A. Duffy, Esq. (D.C. Bar Number: IL0014)
Prenda Law Inc.
161 N. Clark St., Suite 3200
Chicago, IL 60601
Telephone: (312) 880-9160
Facsimile: (312) 893-5677
E-mail: paduffy@wefightpiracy.com
Counsel for the Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 25, 2012, all counsel of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document using the Court's CM/ECF system.

/s/ Paul A. Duffy
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