

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

AF HOLDINGS LLC,  
PLAINTIFF

Civil Action No. 12-cv-14442  
HONORABLE GERSHWIN A. DRAIN

V.

MATTHEW CICCONE,  
DEFENDANT

---

JONATHAN W. TAPPAN (P-72195)  
Attorney For Plaintiff  
2549 Somerset Blvd. #102  
Troy, MI 48084  
(415) 325-5900

BERNARD J. FUHS (P-69621)  
Attorney For Defendant  
150 West Jefferson  
Suite 200  
Detroit, MI 48226  
(313) 225-7044

JOHN T. HERMANN (P-52858)  
Attorney For Intervening Party  
2684 West Eleven Mile Road  
Berkley, MI 48072  
(248) 591-9291

---

**NOTICE OF OBJECTION TO "ORDER GRANTING  
STIPULATED JOINT MOTION TO EXPEDITE DISCOVERY [#11]"**

Filing Party herein, apparently identified by IP address 97.92.47.116, received a letter dated January 10, 2013 from Charter Communications, Inc. ("hereinafter "Charter"). A copy of that letter is attached hereto as **Exhibit "A"** [with filing party's name and identifying information blocked]. Filing Party herein did not actually receive the Charter letter, notice of this lawsuit, and/or notice regarding disclosure of information, until insufficient time was remaining to afford proper due process to address these issues. The letter informed Filing Party herein that Charter was

 **Willis Law**

ATTORNEYS & COUNSELORS

491 WEST SOUTH STREET  
KALAMAZOO, MICHIGAN 49007

OFFICE: 269 / 492-1040  
616 / 301-7177  
TOLL FREE: 800 / 610-6938  
FAX: 269 / 492-1042  
WWW.WWPLC.COM

compelled by court order and subpoena to disclose certain information relating to Filing Party herein. (A copy of the subpoena and Order are attached hereto as **Exhibits “B” and “C,”** respectively). Specifically, the letter indicated that records revealed an IP address listed on an exhibit to the subpoena was assigned to Filing Party’s Account at the given date and time. It further notified that, if there was going to be an objection to this disclosure of information, Filing Party herein must do so formally in this Court by January 25, 2013, 4:00 P.M. CT.

Other than the Exhibits hereto, Filing Party herein has received no other documentation regarding required disclosure of personal information and/or Account information.

Filing Party hereby files this formal objection to the subpoena and further objects to disclosure of Account and other personal information. The Order (**Exhibit “C”** hereto) apparently permits Plaintiff to serve Rule 45 subpoenas to identify subscribers listed in an Exhibit “A” to the Stipulated Motion for Expedited Discovery – limited to certain categories of entities and information. Filing Party herein does not have a copy of the Exhibit referenced or the Stipulated Motion. Filing Party herein further objects in that insufficient information has been supplied to indicate with any degree of certainty that Filing Party’s “dynamic IP address” is traceable to Filing Party for the time period supposedly referenced.

In light of the lack of due process afforded Filing Party, and other time limitations imposed, as noted herein, Filing Party respectfully requests this Court to accept this formal Objection and prevent disclosure of Filing Party’s information (and for all other appropriate and proper relief).

 **Willis Law**

ATTORNEYS & COUNSELORS

491 WEST SOUTH STREET

KALAMAZOO, MICHIGAN 49007

OFFICE: 269 / 492-1040

616 / 301-7177

TOLL FREE: 800 / 610-6938

FAX: 269 / 492-1042

WWW.WWPLC.COM

Respectfully submitted,

Dated: January 25, 2013

/s/ Robert J. Sayfie  
Robert J. Sayfie (P45267)  
Willis Law (Of Counsel)  
Attorney For Filing Party  
491 W. South Street  
Kalamazoo, MI 49007  
Phone: (269) 492-1040  
Robert@sayfie.com

 **Willis Law**  
ATTORNEYS & COUNSELORS  
491 WEST SOUTH STREET  
KALAMAZOO, MICHIGAN 49007  
OFFICE: 269 / 492-1040  
616 / 301-7177  
TOLL FREE: 800 / 610-6938  
FAX: 269 / 492-1042  
WWW.WWPLC.COM