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7 Defendant Pro Se

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF ARIZONA**

8	AF Holdings, LLC	)	<b>Case 2:12-cv-02144-GMS</b>
9	Plaintiff,	)	The Honorable G. Murray Snow
10	vs.	)	<b>Defendant’s Reply to Plaintiff’s</b>
11	David Harris	)	<b>Response to Defendant’s Motion for</b>
12	Defendant.	)	<b>Show Cause Order and Sanctions</b>
		)	<b>against Plaintiff</b>

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14  
15 **NOTICE TO THE COURT**

16 In the event Defendant’s argument stands on solid legal ground, but is unable to  
17 “articulate any plausible basis under the law for the relief he seeks” (ECF 57, 1 at 19),  
18 Defendant expects this Honorable Court to extend the leniency to a Pro Se litigant, a  
19 layperson unschooled in the procedure and practice of law, to the extent **JUSTICE**  
20 **DEMANDS!**

21  
22 **REPLY**

23 To add perspective to Plaintiff’s Counsel’s statement that “defendant launches  
24 several derogatory remarks against Plaintiff and Plaintiff’s counsel” (ECF doc.57). That  
25 is a red herring, completely irrelevant to this case, derogatory insofar as it expresses my  
26 low opinion of Plaintiff and Plaintiff’s Counsel, but not derogatory insofar as it does not  
27 take away from or diminish the character of the Plaintiff or Plaintiff’s Counsel. Plaintiff  
28 has repeatedly falsely called Defendant a thief without a shed of evidence to support his

1 uttering. **I DID NOT DOWNLOAD PLAINTIFF'S COPYRIGHTED SMUT.** That is  
2 the reason Plaintiff cannot produce a scintilla of evidence that I did. I can and will if  
3 need be prove that I did not download his film, however the burden is on the Plaintiff.

4 To give the court a point of reference to gauge the amount of restraint I have  
5 shown in these proceeding, please consider that falsely accusing a man of stealing in all  
6 honorable societies is fightin' words. Yet Plaintiff and Counsel continue to maliciously  
7 prosecute these false claims. I have done nothing more than expose them for what they  
8 are. **I HAVE SHOWN GREAT RESTRAINT!**

9  
10 **ARGUMENT**

11 Counsel for the Plaintiff states Defendant raises two arguments he will address:

- 12 1) that Plaintiff did not identify the Defendant before bringing this action, and  
13 2) Plaintiff cannot identify him by an IP address or determine which IP addresses  
with which he conspired.(Response, 2 at 2).

14 Regarding 1): That is exactly one hundred eighty degrees off the mark. Defendant's  
15 argument is that Plaintiff **DID** identify the Defendant before bringing this action, but not  
16 in an acceptable legal manor. That is the foundation of Defendant's argument and  
17 Counsel for the Plaintiff failed to address Defendant's argument. What he addresses in  
18 his response is a misrepresentation of what I said, that is what he addresses, dancing  
19 around the real issue for which Defendant moves this court to order Plaintiff to show  
20 cause, that being: **How did Plaintiff identify Defendant prior to bringing this action?**

21 Regarding 2): Counsel for the Plaintiff should know better than testifying to facts he has  
22 no personal knowledge of and are in dispute: **I DID NOT CONSPIRE WITH**  
23 **ANYONE AT ANYTIME WHATSOEVER, THAT IS A LIE!**

24  
25 **DISCUSSION**

26 I. PLAINTIFF IDENTIFIED DEFENDANT PRIOR TO BRINGING THIS  
27 LAWSUIT (Response, 2 at 7).

28 This statement bolsters the need to have Plaintiff show cause. Plaintiff's insolence

1 is utterly fascinating, he states:

2 Plaintiff did not need to issue subpoenas in this case to obtain Defendant's  
3 identity, because Plaintiff identified Defendant prior to bringing this action.  
4 Defendant's argument, therefore, has no relevance to this action. (ECF 57,  
2 at 12)

5 Plaintiff identified Defendant prior to bringing this lawsuit, that is what Plaintiff's  
6 Counsel said, I agree and that is the problem, Plaintiff has not identified Defendant in this  
7 lawsuit, therefore has not established standing to sue. Plaintiff's Counsel's argument flies  
8 in the face of Federal court record:

9 [D]efendants were named after the deadline of March 9, 2012 given by  
10 Judge Walton [id at DC case docket minute order by Judge Walton]:  
11 [i]t is ORDERED that the limited discovery authorized  
12 by this Court's September 8, 2011 Order shall close on March  
13 2, 2012 It is further ORDERED that the plaintiff shall name  
and serve the defendants in this action by March 9, 2012.  
Signed by Judge Reggie B. Walton . . .  
The Plaintiff failed to comply with Judge Walton's order, in the alternative  
filed a rule 41 Notice to Dismiss [id at DC case doc 34] without prejudice . .  
(Answer 4 at 22)

14 Judge Walton closed the limited discovery on March 2<sup>nd</sup>, 2012 and ordered Plaintiff to  
15 serve me by March 9<sup>th</sup>, 2012 it is in the aforementioned limited discovery that Plaintiff  
16 identifies me and then hides that fact from the court by not naming and serving Defendant  
17 within the time frame allowed. In fact Plaintiff went against the Order of the court,  
18 ordering that Plaintiff not use any of the personal information obtained from my ISP  
19 except for the purpose of the complaint filed in DC. *See AF Holdings v Does 1-1140 Case*  
20 *1:11-cv-01274-RBW* filed in the District of Columbia. Against that order filed this action  
21 on October 9<sup>th</sup>, 2012. However Plaintiff's Counsel filed the instant action as an original  
22 action (cover sheet). Regardless of Plaintiff's continuing pattern of dishonesty it is not  
23 only appropriate, but necessary for Counsel of the Plaintiff to show cause why his bogus  
24 claims against Defendant should not be permanently dismissed. An IP address is not a  
25 person and cannot be sued, Plaintiff cannot connect me to any IP address whatsoever,  
26 therefore has no standing to bring this suit. None.

27 If this behavior Plaintiff has engaged in is deemed legitimate, then I would ask this  
28 court to extend to Defendant a little of that leniency it talks about and on it's on motion

1 dismiss the claims Plaintiff charged against me for failure to prosecute as 6 months  
2 passed after the deadline set by the DC court to name and serve Defendant came and went  
3 or in the alternative have Plaintiff show cause why it shouldn't.

4 The question that begs to be answered is: How did Counsel for the Plaintiff  
5 identify me? I submit to this Court Plaintiff identified me by the aforementioned, albeit  
6 unlawful tactic described above.

7  
8 **II. DEFENDANT MISUNDERSTANDS THE RELEVANT PROCEDURES**  
9 **AND TECHNOLOGY** (Response, 2 at 15). Counsel for Plaintiff must have bumped his  
10 head prior to writing this section of his response, I will not dignify this piece of tripe with  
11 a reply.

12 **III. DEFENDANT FAILS TO PROVIDE A VALID BASIS FOR WHY AN**  
13 **AWARD OF SANCTIONS IN APPROPRIATE** (Response, 3 at 19). Is this really the  
14 kind of things lawyers say, is it? All he had to do is name an IP address that is associated  
15 with me at the time(s) of the alleged conspiracy with the 308 Does he subpoenaed, he did  
16 not, he will not, for the simple reason that if he does, he knows I will present  
17 documentation from my ISP proving he is a liar and that he can not tie me to the co-  
18 conspirators that Counsel for Plaintiff manufactured in his mind. Still, Plaintiff is  
19 laughing all the way to the bank as they have over 300 new marks to target their extortion  
20 scheme on. Hopefully the amount of exposure has curbed Plaintiff from sending  
21 extortion letters, for now.

## 22 23 **CONCLUSION**

24 Counsel for Plaintiff offers nothing more than gibberish, his response is  
25 completely void of any truthful or logical reason why he should not have to show cause  
26 for the reasons Defendant outlined in his Motion, if fact his response raises more  
27 questions and answers none. Defendant having shown good cause that Plaintiff has not  
28 met the *prima facie* requirement to establish standing to bring the instant and the burden

1 of proof being on the Plaintiff, this Court must grant Defendant's Motion to Show Cause.

2

3 I swear or affirm and declare or certify, verify or state under penalty of perjury that the  
4 foregoing is true and correct so help me God.

5 Executed this 2<sup>nd</sup> day of June, 2013.

6

7 By: /s/ David Harris

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11 Defendant Pro Se

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> Day of June, 2013, a copy of the foregoing was filed electronically and served upon the following by operation of the Court's electronic filing system.

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By: /s/ David Harris

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