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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,

Case No.: 2:12-cv-02144-PHX – GMS

15 Plaintiff,

**NON-PARTIES' NOTICE OF  
OBJECTION TO AFFIDAVIT OF  
JOHN STEELE**

16 v.

17 DAVID HARRIS,

18 Defendant.

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 provide  
23 notice of their objection to the affidavit of John Steele (Doc No. 59-4). Plaintiff relies  
24 on Mr. Steele's affidavit to establish facts that are not contained in the affidavit and Mr.  
25 Steele has submitted declarations in collateral proceedings that contradict these facts.  
26 (See Response, Doc No. 56 at 7:22-23; See Affidavit of John Steele, dated December  
27 17, 2012, submitted in connection with *Sunlust Pictures, LLC v. Nguyen*, MD Fl., 8:12-  
28 cv-01, ECF Doc No. 40-5 at ¶ 2, attached as **Exhibit 1** hereto).

Further, Mr. Steele's legal representatives made an admission in responding to

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1 The Florida Bar's investigation of Mr. Steele concerning the unlicensed practice of law,  
2 explaining that Mr. Steele has an interest in some of Prenda Law's larger clients. (See  
3 January 26, 2012 letter by David Raben at Pg. 6, attached as **Exhibit 2** hereto). And  
4 Georgia Attorney Jacques Nazarie, Of Counsel to Prenda Law, made a statement in an e-  
5 mail to opposing counsel in connection with *AF Holdings, LLC v. Patel*, ND Ga., 2:12-  
6 cv-00262, that Mr. Steele indeed has an interest in Plaintiff. (See Nazarie e-mail to Blair  
7 Chintella dated March 5, 2013, attached as **Exhibit 3** hereto). Notably, the Court  
8 ordered Plaintiff to identify "all persons who hold any interest in Plaintiff," which  
9 Plaintiff claims is the "Salt Marsh" trust. (Doc No. 51 at 2:21-22, See Doc No. 56 at  
10 9:11:12, ); See Contact Report for Tony Saltmarsh and connection to 4532 E. Villa  
11 Theresa Drive in Phoenix, attached as **Exhibit 4** hereto).

12  
13 The Non-Parties submit this objection because they have an interest in the show  
14 cause hearing, namely, that they be permitted by the Court to seek sanctions for  
15 attorneys' fees incurred to defend against a subpoena that was issued in bad faith. See  
16 (Doc No 49 at 8:9-16) (See *Mount Hope Church v. Bash Back!*, 705 F.3d 418, 425, 428-  
17 429 (9th Cir. 2012) (where plaintiff acts in bad faith with respect to issuance of a  
18 subpoena, it is appropriate to award sanctions both to subpoena recipient and to affected  
19 non-party with interest in subpoenaed information).

20 The aforementioned Non-Parties respectfully request that the Court disregard the  
21 Steele Affidavit and compel Mr. Steele to appear in Arizona before this Court to testify  
22 and be subject to cross-examination concerning the issues identified in the Court's Show  
23 Cause Order by undersigned counsel and/or the Court. Plaintiff has indicated that it  
24 intends to have representatives and/or witnesses attend the hearing, but has not identified  
25 these representatives and/or witnesses. (See Doc No. 52 at ¶ 5).

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RESPECTFULLY submitted this 6th day of June, 2013.

**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 6, 2013, I electronically filed:

**NON-PARTIES' NOTICE OF OBJECTION TO AFFIDAVIT OF JOHN STEELE**

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:

Steven James Goodhue  
Law Offices of Steven James Goodhue  
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Attorney for Plaintiff

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