

GREGORY P. GOECKNER (SBN 103693)  
ORIT H. MICHIEL (SBN 198084)  
15301 Ventura Boulevard  
Building E  
Sherman Oaks, CA 91403  
Telephone: (818) 995-6600  
Facsimile: (818) 285-4401

Attorneys for Third Party  
MOTION PICTURE ASSOCIATION OF  
AMERICA, INC.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF VIRGINIA

UNITED STATES OF AMERICA

Plaintiff,

v.

DANIEL DOVE

Defendant.

Case No. 07CR00015

**OBJECTIONS AND RESPONSES  
OF MOTION PICTURE  
ASSOCIATION OF AMERICA,  
INC. TO DEFENDANT'S  
SUBPOENA**

Pursuant to Federal Rule of Criminal Procedure 17 and Federal Rule of Civil Procedure 45, the Motion Picture Association of America, Inc. ("MPAA"), hereby responds and objects to the subpoena for business records issued on May 5, 2008 (the "Subpoena") on behalf of Daniel Dove, the defendant in the above referenced matter, as follows:

**GENERAL RESPONSES AND OBJECTIONS**

1. MPAA objects to the Subpoena, and specifically to the request contained therein, on the grounds, and to the extent that it seeks the production of documents or other materials that are protected from disclosure by the attorney-

1 client privilege, the attorney work product doctrine and/or pursuant to any other  
2 applicable privilege or protection from discovery.

3 2. MPAA objects to the Subpoena, and specifically to the request  
4 contained therein, on the grounds, and to the extent that it purports to require  
5 MPAA to disclose documents or other materials constituting or containing, in  
6 whole or in part, highly confidential, proprietary and/or sensitive information,  
7 whether with respect to MPAA, its members, its operations, or third parties, and  
8 therefore: (a) is overbroad, unreasonable, unduly burdensome, vexatious,  
9 oppressive and harassing; (b) neither relevant to the claims in the present action nor  
10 likely to lead to the discovery of relevant evidence; and/or (c) seeks information  
11 that is protected from disclosure under federal and state law.

12 3. MPAA objects to the Subpoena, and specifically to the request  
13 contained therein, on the grounds, and to the extent that the Subpoena was not  
14 properly served on MPAA, in that it was not issued by the appropriate court in the  
15 district in which the MPAA engages in business operations.

16 4. MPAA objects to the Subpoena, and specifically to the request  
17 contained therein, on the grounds, and to the extent that the Subpoena is invalid or  
18 improper in that, among other reasons, the Subpoena does not provide sufficient  
19 time to respond, as required by the applicable rules of procedure.

20 5. MPAA objects to the Subpoena, and specifically to the request  
21 contained therein, on the grounds, and to the extent that it seeks the production of  
22 documents that are neither relevant nor reasonably calculated to lead to the  
23 discovery of relevant evidence.

24 6. MPAA objects to the Subpoena, including the request, on the grounds,  
25 and to the extent that it seeks to impose obligations that exceed the obligations  
26 imposed on MPAA by the applicable Federal Rules of Criminal Procedure, the  
27 Federal Rules of Civil Procedure, or any other applicable law or rule.

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1           7.     MPAA objects to the Subpoena, and specifically to the request  
2 contained therein, which seeks electronically stored information on the grounds,  
3 and to the extent that it seeks the production of such information from sources that  
4 are not reasonably accessible because of undue burden and cost.

5           8.     MPAA objects to the Subpoena, and specifically to the request  
6 contained therein, on the grounds, and to the extent that it is overbroad, unduly  
7 burdensome, unreasonable, vexatious, harassing and oppressive, particularly on a  
8 third party such as MPAA, and compliance with the Subpoena, as drafted, would  
9 cause MPAA unreasonable burden and expense.

10          9.     MPAA objects to the Subpoena, and specifically to the request  
11 contained therein, on the grounds, and to the extent that it seeks documents that are  
12 not in MPAA's possession, custody or control.

13          10.    MPAA reserves the right to supplement, revise, correct and/or clarify  
14 any of the General Objections, Specific Objections and Response provided herein.

15                   **SPECIFIC OBJECTIONS AND RESPONSES TO**  
16                   **REQUESTS FOR PRODUCTION**

17           **REQUEST NO. 1:**

18           All documents or objects in the possession of the Motion Picture Association  
19 of America dating from August 1, 2004 to the present referencing Daniel Dove or  
20 reflecting communications by or with Daniel Dove.

21           **RESPONSE TO REQUEST NO. 1:**

22           Subject to and without waiver of the foregoing General Responses and  
23 Objections, each of which is expressly incorporated herein, MPAA further objects  
24 to this request on the ground that it seeks or calls for the production of documents  
25 that are protected from disclosure, in whole or in part, by the attorney-client  
26 privilege, the attorney work-product doctrine and/or other applicable privileges or  
27 protections from discovery. MPAA further objects to this request on the ground,  
28 and to the extent, that it seeks documents constituting or containing confidential,

1 proprietary and/or sensitive information relating to MPAA operations and/or third  
2 parties. MPAA also objects to this request on the ground that the request seeks  
3 documents that are equally available from other parties to the action or third parties  
4 other than MPAA. MPAA further objects to this request on the grounds, and to the  
5 extent that the designated time period for which documents are sought, specifically  
6 August 1, 2004 to the present, is overbroad, unduly burdensome, unreasonable,  
7 vexatious, harassing and oppressive, particularly on a third party such as MPAA.

8 Subject to and without waiver of any of the foregoing General Responses and  
9 Objections and the foregoing specific objections, MPAA responds that, it will  
10 confer with defendant's counsel to agree on an appropriate narrowing of this  
11 request and produce relevant, nonprivileged documents, if any such documents  
12 exist.

13 Dated: May 19, 2008

14  
15 By: 

16 ORITH H. MICHIEL

17 Attorney for MOTION PICTURE  
18 ASSOCIATION OF AMERICA, INC.  
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**PROOF OF SERVICE**

I, Andrea Witt, the undersigned, declare that:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 15301 Ventura Boulevard, Building E, Sherman Oaks, California 91403.

On May 19, 2008, I served a true copy of the **OBJECTIONS AND RESPONSES OF MOTION PICTURE ASSOCIATION OF AMERICA, INC. TO DEFENDANT'S SUBPOENA** on the parties in this cause as follows:

- ☒ **VIA U.S. MAIL** by placing the above named document in a sealed envelope addressed as set forth below, and by then placing such sealed envelope for collection and mailing with the United States Postal Service in accordance with the ordinary business practices of the Motion Picture Association of America, Inc. ("MPAA").

Michael B. Gunlicks  
Gunlicks Law, LC  
604 N. Boulevard  
Richmond, VA 23220  
Phone: (804) 355-9700  
Facsimile: (804) 355-4933  
[michael@gunlickslaw.com](mailto:michael@gunlickslaw.com)

Steven Randall Ramseyer  
United States Attorneys Office  
180 West Main Street  
Abingdon, VA 24310  
Phone: (276) 628-4161  
Facsimile: (276) 628-7399

Tyler Griffin Newby  
U.S. Department of Justice,  
Criminal Division  
Computer Crime and Intellectual  
Property Section  
Suite 600  
1301 New York Avenue, NW  
Washington, DC 20530  
Phone: (202) 335-9337  
Facsimile: (202) 514-6113  
[Tyler.newby@usdog.gov](mailto:Tyler.newby@usdog.gov)

I am readily familiar with MPAA's practice for collecting and processing correspondence for mailing within the United States Postal Service.

1 That practice includes the deposit of all correspondence with the United States  
2 Postal Service the same day it is collected and processed.

3 I certify that I am employed in the office of a member of the bar of this  
4 Court at whose direction the service was made.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed on May 19, 2008, at Sherman Oaks, California.

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Andrea Witt  
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