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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10) Case Number:
11 REZA GANJAVI,)
12) CV05- 8619 DDP (JWJx)
13) **Plaintiff,**)
14) **- NOTICE OF MOTION AND MOTION TO**
15) **ISSUE ORDER TO ONLINE SERVICE**
16) **PROVIDERS TO RELEASE DEFENDANTS'**
17) **BASIC IDENTIFICATION**
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DOES 1 through 6, Douglas Carlson,
William Jennings, Todd Tipton,

Defendants.

- Date: April 3, 2006
- Time: 10 a.m.
- Before Honorable Judge
Dean D. Pregerson

NOTICE OF MOTION

PLEASE TAKE NOTICE that Plaintiff will move the above-entitled Honorable Court, on 3rd April 2006 at 10 a.m., to issue an order to online service providers to release defendants' basic identification. The motion will be based on the following request, on all the papers, pleadings, evidence, and records on file in this action, and on such other and further evidence as may be presented at the time of hearing.

1 MOTION TO ISSUE ORDER

2 Plaintiff, REZA GANJAVI, hereby prays to this Honorable Court to order the
3 Defendants' online service providers to release their basic identification,
4 i.e., name, address, and phone number, pursuant to 47 U.S.C. § 551.

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6 INTRODUCTION

7 1. As alleged in the Complaint and demonstrated in Exhibit 5 (body of
8 evidence filed under seal), Defendants have violated Plaintiff's rights, and
9 allegedly broken eleven laws including four Federal statutes. The identity
10 of some of the DOE defendants is not known to the Plaintiff except for the
11 "IP" and email address they used to commit the alleged violations.

12 2. Plaintiff contacted the online service providers at the time the
13 violations occurred and asked that the electronic traces of the responsible
14 parties' are preserved. Such preservation has occurred in a number of the
15 cases for which an Order is presently requested, e.g., RCN, Time Warner, and
16 Deloitte.

17 3. The Defendants whose information is sought through the attached orders
18 are at the heart of the case and there is no other way to obtain the
19 requested information except by Court Orders.

20
21 DISCUSSION

22 4. Some online service providers have accepted subpoenas for releasing
23 client information to the Plaintiff. EV1 has released contact information
24 for Defendant Douglas Carlson; Yahoo has released the IP address of a DOE
25 Defendant who turns out to be an RCN client whose violations include setting
26 up a mock website; Email.com has released the owner of the email address:
27 "seadrifter@email.com" who happens to be Defendant William Jennings. Other
28 service providers require a Court Order.

1 5. Six orders attached to this request are for Time Warner, RCN,
2 Deloitte, Nibble Information Systems (NNTPServer), Giganews and Data
3 Foundry. Time Warner, RCN, and Deloitte have indicated that they will
4 respond to a Court Order and have apparently identified the respective
5 Defendants.

6 6. Plaintiff is requesting Deloitte to release the name of an employee or
7 agent who used their network to commit violations against Plaintiff.
8 Deloitte has apparently taken internal action against the Defendant who is
9 at the heart of the case because the same person apparently also used the
10 RCN network to commit other serious violations.

11 7. NNTPServer, has not indicated the need for Court Order vs. Subpoena
12 but the violations committed using their service are severe enough and
13 therefore finding the responsible party is important enough that Plaintiff
14 requests a Court Order to them. The scope of violations using NNTPServer
15 include around ten counts of fraudulent use of Plaintiff's identity (name,
16 email, password, website URL), mocking Plaintiff's website, publishing
17 highly obscene and lewd comments in the name of the Plaintiff including
18 racial slur against Blacks and sympathizing for extreme acts of violence,
19 all completely contrary to Plaintiff's philosophy and values which are
20 rooted in compassion and respect for others' freedom.

21 8. Data Foundry provides email service for Defendant William Jennings and
22 is requested through the Order to release his contact information so that he
23 can be summoned. Giganews provided service to a Doe defendant who
24 fraudulently used the Plaintiff's identification on four counts.

25
26 PRECEDENCE

27 9. Although "cyber law" is a relatively new field, there have already
28 been several cases where courts, both at Federal and State level, have

1 ordered online service providers to release customer details upon the
2 courts' determination that the committed violations outweigh the defendants'
3 implied First Amendment right to remain anonymous, that the release of such
4 information is at the heart of the case, and that there is no other way to
5 obtain the necessary information. Plaintiff hereby humbly declares that all
6 these factors apply to the case at bar as described in the original
7 Complaint and briefly in the preceding paragraphs.

8
9 Gratefully & Respectfully,

10 

11
12 Reza Ganjavi -- 9 March 2006