

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

INGENUITY 13 LLC,

Plaintiff,

and

PRENDA LAW, INC.,

Movant – Appellant,

v.

JOHN DOE,

Defendant - Appellee.

9th Circuit Docket No. 13-55881

[Related 9th Circuit
Docket No: 13-56028]

Los Angeles No. 2:12-cv-0888-ODW-JC
Central District of California

EMERGENCY MOTION UNDER CIRCUIT RULE 27-3

AFFIDAVIT OF PAUL DUFFY IN SUPPORT OF APPELLANT PRENDA LAW, INC.S MOTION FOR ORDER VACATING OR MODIFYING THE DISTRICT COURT’S AMENDED ORDER DENYING IN PART AND GRANTING IN PART RESPONDENT DUFFY’S MOTION FOR APPROVAL OF BOND (DKT. NO. 170); STAYING ENFORCEMENT OF AMENDED ORDER (DKT. NO. 177); AND/OR CONSOLIDATING THE APPEAL OF THE AMENDED ORDER WITH THE ORIGINAL APPEAL OF THE MAY 6, 2013, SANCTIONS ORDER

AFFIDAVIT OF PAUL DUFFY, ESQ.

I, Paul Duffy, Esq. do hereby declare:

I am an attorney at law duly licensed to practice law in the States of Illinois, California, Massachusetts and the U.S. District Court for the District of Columbia. I have personal knowledge of the following facts and, if called upon as a witness, could competently testify thereto.

1. I am the corporate representative of Prenda Law, Inc. (“Prenda Law”) responsible for its appeal of the United States District Court’s May 6, 2013, Order Issuing Sanctions (ECF Docket Entry No. 130) in the underlying litigation entitled Ingenuity 13, LLC v. John Doe, assigned case number 2:12-cv-08333-ODW (JCx) by the Central District of California.

2. I have reviewed the District Court’s order of May 21, 2013, imposing \$1,000 per day penalties for failure to post a supersedeas bond in the amount of the sanctions award (Dkt. No. 164) and the District Court’s amended order of June 11, 2013, imposing a second bond requirement in the amount of \$135,933.66 and promising sanctions if said bond is not posted with the court (Dkt. No. 177).

3. Prenda Law is currently winding down its operations and is in the process of dismissing its remaining cases pursuant to the instructions of its clients. In some instances, the requests for dismissals are being opposed, resulting in delays and ongoing law and motion proceedings that have precluded Prenda Law

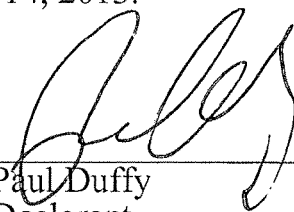
from completely ceasing its operations.

4. Because Prenda Law has not filed any new copyright infringement cases in several months, and because opposing parties in a few cases across the country have refused to permit Prenda Law to voluntarily dismiss its clients' lawsuits, Prenda Law has a negative cash flow that precludes it from collateralizing a second bond and paying the fees and costs associated with its appeal of the District Court's Order Issuing Sanctions. The same set of circumstances precludes Prenda Law from paying any current or future penalties imposed by the District Court, while also trying to protect its clients' interests in the few remaining cases in which Prenda Law is counsel of record.

5. I offer this affidavit in support of Prenda Law's concurrently filed *Emergency Motion For An Order Vacating Or Modifying The District Court's Amended Order Denying In Part And Granting In Part Respondent Duffy's Motion For Approval Of Bond (Dkt. No. 170); Staying Enforcement Of Amended Order; And/Or Consolidating The Appeal Of The Amended Order With The Original Appeal Of The May 6, 2013, Sanctions Order.*

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Chicago, Illinois, on June 14, 2013.



Paul Duffy
Declarant