

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)
 JONATHAN MONSARRAT,)
)
Plaintiff,)
)
 v.)
)
 GOTPER6067-00001and DOES 1-5, dba)
 ENCYCLOPEDIADRAMATICA.SE, and)
 BRIAN ZAIGER,)
)
Defendants.)
 _____)

CIVIL ACTION NO. 17-cv-10356-PBS

**AFFIDAVIT OF RICHARD GOREN
AS TO SERVICE OF SUMMONS,
COMPLAINT AND ORDER
BY EMAIL**

I, Richard A. Goren, an attorney admitted to practice before the courts of the Commonwealth of Massachusetts, on oath depose and state as follows:

1. I am counsel to the Plaintiff, Jonathan Monsarrat. I submit this affidavit to attest to service of process on the anonymous Defendants in accordance with the Court’s April 20, 2017 Order allowing Plaintiff’s *Ex Parte* Motion for Approval of Alternative Service of Process.

2. On Monday April 24, 2017 at 9:45 AM I sent an email to contact@encyclopediadramatica.se with three attachments, the Verified Complaint, the summons and the Court’s April 20, 2017 Order. Fifteen minutes later I received a reply from a person identified only as contact@encyclopediadramatica.se acknowledging receipt and stating: “This page was removed months ago.” At 11:19 AM on April 24, 2017, I replied requesting removal of a copyrighted image, urged the anonymous defendants to engage counsel and to negotiate a settlement. Exhibit A is a compilation of the email exchanges between the still anonymous Defendants and me over April 24 and 25, 2017.

3. On April 24, 2017, I also served copies of the Complaint, Summons and the April 20, 2017 Order on the DMCA, 17 U.S.C. §512 (c)(2), designated agent to receive complaints of alleged infringement, on each of Cloudflare, Inc., the owner of the IP address and server in Phoenix Arizona serving as an intermediary providing a so-called “pass-through security service” that acts, in effect, as a “middleman” that sits between the Defendants’ website and the users who interact with Defendants’ website (“Cloudflare”); (ii) National Net, Inc., which Cloudflare had previously informed me hosts Defendants’ website; and, (iii) Key-Systems Gmbh, the domain registrar for Defendants’ Swedish domain name, encyclopediadramatica.se.

4. NationalNet, Inc. informed me: “We do not show this domain Encyclopediadramatica.se in our customer database, but that would not be unusual in a case where Cloudflare.com is providing all of the DNS, Name Servers and other services related to this domain.” Key-Systems Gmbh, informed me that the “domain name [encyclopediadramatica.se] is registered through our automated system by our reseller ‘AEB Kommunikation AB’ for their customer [and Key-Systems has] no direct contractual relation to the registrant.”

EXECUTED UNDER THE PENALTIES OF PERJURY THIS 26th DAY OF APRIL, 2017.

/s/Richard A. Goren
Richard A. Goren

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and I served paper copies to the Defendant Does 1-5 by email on April 26, 2017.

/s/ Richard A. Goren

**EXHIBIT A APRIL 26, 2017
AFFIDAVIT OF RICHARD
GOREN**

From: Encyclopedia Dramatica contact@encyclopediadramatica.se
Tuesday, April 25, 2015 at 1:01PM
To: rgoren@richardgorenlaw.com

This is not zaiger. He hasn't been a part of the administrative staff in a long time.

From: "rgoren" <rgoren@richardgorenlaw.com>
To: "Encyclopedia Dramatica" <contact@encyclopediadramatica.se>
Sent: Tuesday, April 25, 2017 10:50:17 AM
Subject: Re: MONSARRAT v GOTPER6067-00001 and DOES 1-5 dba
Encyclopediadramatica.se

Mr. Zaiger or to whom it may concern:

I urge you to engage counsel. The complaint with which you were served is for copyright infringement. Your reference to the CDA is a nonsequitur. 47 U.S.C. section 230, copy attached, plainly and unambiguously provides it "has no effect on intellectual property law."

The *sine qua non* for Mr. Monsarrat, whether or not achieved by judgment, is a verifiable assurance that his copyrights will not be infringed by subsequent re-posting of his protected work on the Encyclopedia Dramatica website whether under the top level country domain of Serbia or anywhere else in the world. With that in hand I am confident we can readily sort through the usual niceties of a settlement.

Again I urge you to engage counsel and in all events to work with me to construct a settlement. I also attach a copy of DMCA section 512 and call your attention in particular to subsection (c)(2).

Richard Goren

Law Office of Richard Goren

Richard A. Goren

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Email: rgoren@richardgorenlaw.com

www.richardgorenlaw.com

From: Encyclopedia Dramatica <contact@encyclopediadramatica.se>

Date: Monday, April 24, 2017 at 3:55 PM

To: "rgoren@richardgorenlaw.com" <rgoren@richardgorenlaw.com>

Subject: Re: MONSARRAT v GOTPER6067-00001 and DOES 1-5 dba Encyclopediadramatica.se

According to section 230 of the CDA we are not responsible for the content written by someone else. We removed the content when it was brought to our attention. If your client wants to waste his money to have yet another case thrown out that is on him. We are not giving him a dime though.

From: "rgoren" <rgoren@richardgorenlaw.com>

To: "Encyclopedia Dramatica" <contact@encyclopediadramatica.se>

Cc: zaiger420@msn.com, zaiger420@aol.com, zaiger420@yahoo.com, brianzaiger@aol.com, zaiger@aol.com, bzaiger@aol.com, bzaiger@hotmail.com, zaiger420@earthlink.net, zaiger@gmail.com, zaiger420@gmail.com

Sent: Monday, April 24, 2017 3:48:22 PM

Subject: Re: MONSARRAT v GOTPER6067-00001 and DOES 1-5 dba Encyclopediadramatica.se

To Mr. Zaiger or to whom it may concern:

The case is not so simply resolved. We can, and will, get to a resolution either by agreement or by judgment.

I am confident a mutually acceptable and commercially reasonable agreement can be crafted. There is no trap for you; only a two way bargain.

Shall I forward an outline?

Richard Goren

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Mobile: 617-797-4529

Email: rgoren@richardgorenlaw.com

www.richardgorenlaw.com

From: Encyclopedia Dramatica <contact@encyclopediadramatica.se>

Date: Monday, April 24, 2017 at 11:24 AM

To: "rgoren@richardgorenlaw.com" <rgoren@richardgorenlaw.com>

Subject: Re: MONSARRAT v GOTPER6067-00001 and DOES 1-5 dba Encyclopediadramatica.se

The page was removed, We will remove the image. It is resolved.

From: "rgoren" <rgoren@richardgorenlaw.com>
To: "Encyclopedia Dramatica" <contact@encyclopediadramatica.se>
Sent: Monday, April 24, 2017 11:19:58 AM
Subject: Re: MONSARRAT v GOTPER6067-00001 and DOES 1-5 dba
Encyclopediadramatica.se

Kindly also see to the removal
of <https://encyclopediadramatica.se/File:Jonmonpedowheel.jpg> ?

Do you wish to negotiate a resolution? If so,
please have your counsel get in touch with me.

Richard Goren

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Mobile: 617-797-4529

Email: rgoren@richardgorenlaw.com

www.richardgorenlaw.com

From: Encyclopedia Dramatica <contact@encyclopediadramatica.se>
Date: Monday, April 24, 2017 at 10:00 AM
To: "rgoren@richardgorenlaw.com" <rgoren@richardgorenlaw.com>
Subject: Re: MONSARRAT v GOTPER6067-00001 and DOES 1-5 dba Encyclopediadramatica.se

This page was removed months ago.

From: rgoren@richardgorenlaw.com
To: contact@encyclopediadramatica.se
Sent: Monday, April 24, 2017 9:45:58 AM
Subject: MONSARRAT v GOTPER6067-00001 and DOES 1-5 dba
Encyclopediadramatica.se

See attached transmittal, summons, complaint and
Order of Court.

Below is a link to the rules of the United
States District Court for the District of
Massachusetts.

[http://www.mad.uscourts.gov/general/pdf/LC/2016%
20LOCAL%20RULES.pdf](http://www.mad.uscourts.gov/general/pdf/LC/2016%20LOCAL%20RULES.pdf)

Very truly yours,

Richard Goren

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