

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>DANIEL DOVE,</b>	)	<b>Case No. 2:07cr00015</b>
	)	
<b>Defendant.</b>	)	
	)	

**DEFENDANT’S MOTION FOR SUBPOENA DUCES TECUM**

COMES NOW Defendant Daniel J. Dove to move this honorable Court to order the issuance of a subpoena duces tecum to FDC Servers.Net, LLC pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure for the pre-trial production of the following information, to wit:

- 1). The current billing and contact information for the server with the IP Address Number 66.90.73.173, associated with “xxxuploads.com” and “registrydoc.com,” with the ICANN registrar being GoDaddy.com, Inc.
- 2). The originating IP address for the root log-in for any incoming connections to the server located at IP Address Number 66.90.73.173.

The Defendant moves that this Honorable Court order production thereof on or before June 18, 2008, to Counsel for the Defendant, or, in the alternative, the U.S. District Court for the Western District of Virginia, Abingdon Division, with a fax copy to be provided to Counsel for Defendant on the same date.

Defendant submits to the Court that pursuant to Fed. R. Crim. P. 17(c) his subpoena request should only be limited in whole or in part in the event that this Court finds that compliance with the requested subpoena or a portion thereof is “unreasonable or oppressive.” Defendant submits that his request is not unreasonable or oppressive: 1). the materials requested

are evidentiary and relevant, as they relate to the location of Rudy O. Corella, a/k/a “Krylon,” see Exhibit “A,” one of the alleged System Operators of EliteTorrents.org, and who has been subpoenaed to testify in this matter; 2). the information requested is not otherwise reasonably procurable in advance of trial and Defendant has no other practicable means of obtaining the requested information., as Defendant and his agents have hitherto not been able to locate Mr. Corella, who has apparently made a concerted effort to remain generally unfound, according to the Defendant’s agents attempting to serve Mr. Corella. Defendant inquired whether the Government had specific information as to the location of Mr. Corella, and was informed that the best information available to the Government indicated that Mr. was located somewhere in the western United States; 3). this information is essential for the Defendant to conduct his trial as the testimony of Mr. Corella would be directly related to the foundation of the allegations against the Defendant; and, 4). the Defendant makes this Motion in good faith to obtain information not otherwise available to him, and his application is not intended as a fishing expedition.

Said subpoena may be served upon:

Glenn Podbelsek, Registered Agent  
FDC Servers.Net, LLC  
33 North LaSalle Street, Suite 2900  
Chicago, IL 60602

WHEREFORE, the Defendant prays that this Honorable Court shall direct the Clerk to issue the subpoena as requested.

Respectfully submitted,  
Daniel J. Dove

By: s/Michael B. Gunlicks  
Counsel

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*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 13<sup>th</sup>, 2008, I caused to be electronically filed the above and foregoing **DEFENDANT'S MOTION FOR SUBPOENA DUCES TECUM** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

Tyler G. Newby, Esq.  
Computer Crime & Intellectual Property  
Section, Criminal Division  
US Department of Justice  
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1301 New York Avenue, N.W.  
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s/ Michael B. Gunlicks  
Attorney for Defendant