

1 David Harris
2 4632 E. Caballero ST
3 Number One
4 Mesa, AZ 85205
5 (480) 297-9546
6 troll.assassins@cyber-wizard.com
7 Defendant Pro Se

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF ARIZONA**

10 AF Holdings, LLC)
11)
12 Plaintiff,)
13 vs.)
14 David Harris)
15 Defendant.)

16 **Case 2:12-cv-02144-GMS**
17 The Honorable G. Murray Snow
18 **Defendant's Opposition to**
19 **PLAINTIFF'S FORTHWITH**
20 **MOTION FOR SANCTIONS**
21 **AGAINST DEFENDANT**
22 **DAVID HARRIS**

23 **INTRODUCTION**

24 **C**omes now the Defendant, David Harris a proud, law abiding natural born citizen
25 of the United States of America, a layperson unschooled in the practice of law
26 having reached the age of majority and living in Mesa, Arizona County of Maricopa.

27 **OBJECTION**

28 Defendant objects to Mr. Goodhue's filing of his latest attempt to stifle the
29 Defendant's 1st Amendment right to 'freedom of speech'. Although Plaintiff is
30 uncomfortable with the facts it is no excuse for him to attack the Defendant in an attempt
31 to falsely discredit him. Frankly Your Honor Mr. Goodhue's diatribe is ludicrous.

32 Mr. Goodhue inadvertently informed Defendant that he intended to violate FRCP
33 Rule 26(f)(2) by not honoring my demand that Paul Duffy attend (Defendant Exhibit J at
34 1). I **responded** by informing Mr. Goodhue I would not attend under these
35 circumstances, Goodhue in turn blatantly lies to cover this fact and further to blame the

1 Defendant for not appearing at the scheduled meeting when the fact is it would have been
2 a waste of Defendants time and money to attend when the attorney of record who has
3 appeared in this case (ECF doc. 12-1, Declaration of Paul Duffy) and who is equally
4 responsible to attend as the Defendant was not going to be in attendance.

5 Defendant made it clear to Goodhue that he was to be notified if Duffy was not
6 going to attend so I could make arrangements to compel his attendance and Goodhue
7 knew this as evidenced by Plaintiff's ECF doc. 29-2, the email I sent him demanding
8 Duffy's presence and notice if Duffy was not to attend. Goodhue knew Duffy would be
9 ordered to attend and that Duffy is as responsible to participate in the meeting as the
10 Defendant is. Rule 26(f)(2) in its pertinent part:

11 [T]he attorneys of record and all unrepresented parties that
12 have appeared in the case are jointly responsible for arranging
13 the conference, for attempting in good faith to agree on the proposed
14 discovery plan, and for submitting to the court within
14 days after the conference a written report outlining the
15 plan. The court may order the parties or attorneys to attend
16 the conference in person.

15 Your Honor Mr. Goodhue's blaming the Defendant for not co-operating in good faith can
16 been seen as nothing other than intentional fraud upon this Court.

17 Your Honor I would also like to point out that Mr. Goodhue's only citation to
18 misconduct of the Defendant is to his Motion for Order to Show Cause which was denied
19 as moot.

20 Also Your Honor, be it known to this court that Plaintiff has in order to avoid
21 Defendant filing a claim against him personally with the State Bar has impeached his own
22 witness, Mr. Peter Hansmeier. Plaintiff's complaint states: "Plaintiff's investigators
23 detected Defendant's illegal download" (Compl. at ¶23). Mr. Goodhue stated: "Neither
24 Plaintiff nor Plaintiff's counsel has ever represented, formally or otherwise, that Peter
25 Hansmeier is a private investigator in the State of Arizona"(Mot for Sanctions, 6 at 15).
26 ARS 32-2401, 16(b):

27 "Private investigator" means a person other than an insurance adjuster or an
28 on-duty peace officer as defined in section 1-215
who, for any consideration, engages in business or accepts

1 employment to: Secure evidence to be used before investigating
2 committees or boards of award or arbitration or in the trial of civil or
criminal cases and the preparation therefor.

3 The State of Arizona and the Plaintiff define Mr. Hansmeier as a Private Investigator.
4 However, as stated by the Plaintiff is not licensed in Arizona, therefore may not present
5 evidence in this case. Plaintiff has no investigator that can legally connect the alleged
6 infringement to the Defendant. That coupled with the fact that Plaintiff does not own the
7 copyright at the time of the alleged infringement: “Though Defendant correctly states that
8 “Plaintiff at the time of the alleged infringement did not own the copyright [to Sexual
9 Obsession](ECF doc. 22, 3 at 17), shows beyond a shadow of a doubt Plaintiff has no
10 grounds to bring this suit against the Defendant, let alone any chance whatsoever of
11 prevailing.

12 It would be a travesty of justice to let Mr. Goodhue get away with this kind of
13 behavior, as he is supposed to be an officer of the Court. I really don’t think that this
14 man’s tactics are anything a person of honor would claim.

15 Defendants Motion to Stay (ECF doc.30), contains an enormous amount of support
16 for the aforementioned issues.

17

18 I swear or affirm and declare or certify, verify or state under penalty of perjury that the
19 foregoing is true and correct so help me God.

20 Executed this 6th day of January, 2013.

21

22 By: /s/ David Harris

23 David Harris
24 4632 E. Caballero St.
25 Number One
Mesa, Arizona 85205

26 Defendant Pro Se

27 ///

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 2013, a copy of the foregoing was filed electronically and served upon the following by operation of the Court’s electronic filing system.

Steven James Goodhue (#029288)
Law Offices of Steven James Goodhue
9375 East Shea Blvd., Suite 100
Scottsdale, AZ 85260
Telephone: (480) 214-9500
Facsimile: (480) 214-9501
E-Mail: sjg@sjgoodlaw.com

And by email to The Honorable Judge G. Murray Snow at:
snow_chambers@azd.uscourts.gov

By: /s/ David Harris