

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
GREENBELT DIVISION

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
2014 JAN 31 P 2:47

BRETT KIMBERLIN,  
Plaintiff,

CLERK'S OFFICE  
B/D

v.

No. PWG 13 3059

NATIONAL BLOGGERS CLUB, et al,  
Defendants

**VERIFIED MOTION FOR SUBPOENA TO IDENTIFY DEFENDANT ACE OF SPADES**

Now comes Plaintiff Brett Kimberlin and moves this Court to direct the Clerk to issue a subpoena to assist Plaintiff with service of Defendant Ace of Spades, an anonymous blogger who has gone to great lengths to evade service in this case.

1. Defendant Ace of Spades ("Ace") is the writer of a blog of the same name, which is hosted on an overseas server and masked with anonymity. Plaintiff has written to the contact email on the Ace website on several occasions asking for a name and address for service but received no reply.
2. Plaintiff wrote and called Michelle Kerr who is listed on Whois as the registrant of the Ace blog, but received no reply.
3. Plaintiff sent Ace of Spades and Michelle Kerr the Complaint and Summons at an address associated with the Ace blog but they were returned as unclaimed.
4. One party that knows the identity of Ace is the company he pays to drive traffic to his website, Reston based Intermarkets Inc. Plaintiff has talked with staff at Intermarkets and asked them to provide the billing information and contact for Ace, and they requested a subpoena for the documents.

5. Plaintiff has a right to determine the identity of an anonymous blogger he has sued for defamation and other torts. *Independent Newspapers v. Brodie*, 407 Md. 415 (Md. 2009).
6. A *Brodie* finding is not required for issuance of a subpoena.
7. However, Plaintiff has notified Ace at his website contact email that he is seeking a subpoena from Intermarkets in order to comply with the notice and opportunity to respond standards of *Brodie*. Exhibit A.
8. A copy of the proposed subpoena is attached as Exhibit B.

Wherefore, for the above reasons, Plaintiff moves this Court to order the Clerk to issue the requested subpoena.

Respectfully submitted,

Brett Kimberlin  
8100 Beech Tree Rd  
Bethesda, MD 20817  
[justicejtmp@comcast.net](mailto:justicejtmp@comcast.net)  
(301) 320 5921

#### **Certificate of Service**

I certify that I mailed copies of this Motion to Defendants Hoge, Walker and Franklin Center, and emailed copies to Ace of Spades, Lee Stranahan, Ron Coleman, Michael Smith, Caitlyn Contestable, and Mark Bailen this 31<sup>st</sup> day of January, 2014.

Brett Kimberlin

**Verification**

I verify that the above statements are true and correct under the provisions of 28 USC 1746.

Brett Kimberlin

Thursday, January 30, 2014 11:35 PM

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**Subject: I am issuing a subpoena for Intermarkets**

**Date:** Thursday, January 30, 2014 9:10 PM

**From:** Justice Through Music <justicejtmp@comcast.net>

**To:** <aceofspadeshq@gmail.com>

Dear Ace:

I have tried unsuccessfully to serve you with a lawsuit I filed in the District Court of Maryland. I have called and emailed Michelle Kerr to no avail. You have not responded in any way. Therefore, tomorrow I am asking the Court to issue a subpoena for Intermarkets to provide me with your contact and billing information.

You have a right to contest or respond to this motion in the case. It is Kimberlin v. National Bloggers Club, PWG 13 3059.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Brett Kimberlin (301) 320 5921

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Maryland

Brett Kimberlin

Plaintiff

v.

National Bloggers Club et al

Defendant

Civil Action No. PWG 13 3059

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Intermarkets Inc., 11911 Freedom Drive, Suite 1140, Reston, VA 20190

(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: All registrant and billing information regarding Ace of Spades HQ, located at www.Ace.mu.nu, including name, address, phone number of registrant with billing name and address.

Place: Brett Kimberlin, 8100 Beech Tree Rd, Bethesda, MD 20817 Date and Time:

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Brett Kimberlin, who issues or requests this subpoena, are:

8100 Beech Tree Road, Bethesda, MD 20817, notches27@comcast.net, (301) 320 5921

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).