UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTIC RECORDING CORP., *et al.*,	))))	
Plaintiffs,	))	
v.	))	No. 1:05-cv-00235-WBH
DOES 1-125,	))	
Defendants.	)))	

DECLARATION OF DAVID ARKUSH

I, David Arkush, declare as follows:

1.　I am the Fuchsberg Fellow at Public Citizen Litigation Group and make this declaration on my own personal knowledge.

2.　When a lawsuit names 125 Doe defendants ("Does"), the vast majority of whom live outside the jurisdiction, each Doe may be denied the opportunity to defend his or her constitutional rights.　The purpose of this declaration is to set forth facts establishing that most of the Does in this litigation use Internet connections physically located far from this district.　The facts set forth in this declaration were readily available to the Plaintiffs from free, public Internet sources at the time they filed suit.

3.   Exhibit A to the Complaint contains the Internet Protocol ("IP") address that the Plaintiffs attribute each Doe. Internet Service Providers ("ISPs") typically provide what is known as "reverse domain name resolution" for the IP addresses they assign to their customers. This means that ISPs maintain publicly accessible nameserver records that assign domain names to the numerical IP addresses the ISPs give out. Several websites provide this information for free, allowing users to enter an IP address and learn the domain name of the host computer. To look up the host names for the IP addresses in the Complaint, I used a free website called "DNS Stuff," located at http://www.dnsstuff.com/.

4.   The "DNS Stuff" website also returns more specific geographical locations. It states, for example, that Doe #1's computer is in Manchester, CT and Doe #2's is in Chula Vista, CA (a suburb of San Diego).

5.   Cox Communications, Inc. uses physical identifiers in the domain names of host computers. These can be used to corroborate the specific physical locations that DNS Stuff provides. For example, reverse lookups on the first two Does' IP addresses, 24.250.10.164 and 68.6.170.178, produce the domain names ip24-250-10-164.ri.ri.cox.net and ip68-6-170-178.sd.sd.cox.net.   The two-letter abbreviations in each domain name refer to physical locations. That is, "ri" stands for Rhode Island (which is near Manchester, Connecticut), and "sd" stands for San

Diego (which is near Chula Vista, CA). On August 5, 2005, Cox's General Counsel, Randy Cadenhead, verified that my interpretation of these codes is correct.

6.   The location information can be further corroborated by performing a "traceroute" operation, which shows the route that "packets" (the bits of information that travel between computers over the Internet) travel between computers on the network. The routers through which much Internet traffic flows are also often identified by geographic names. On July 26, 2005, I performed a traceroute from my computer to Doe #1's computer (IP address 24.250.10.164), for which reverse domain name resolution produces the host name ip24-250-10-164.ri.ri.cox.net and the city Manchester, CT. Before reaching Doe's computer, the packets' last traveled through **mnch**sysc01-gew050102.**ct**.ri.cox.net, confirming that the host computer is likely in Manchester (mnch), Connecticut (ct). Likewise, a traceroute to Doe #2's computer revealed that packets traveled through **cv**1xaggc01-gex0901.**sd**.sd.cox.net, corroborating that Doe #2's computer is likely in Chula Vista (cv), a suburb of San Diego (sd). On August 5, 2005, Cadenhead verified that my interpretation of these codes is correct.

7.   Because individual Internet users connect through local hubs, there is good reason to believe that the geographic location information obtained by the above methods accurately reflects the physical location of users' connections.

8.   On July 26, 2005, I used DNS Stuff to look up the IP address of each Doe. I recorded each Doe's city name, the host name, and the name of a computer on the traceroute. A list of the results is attached as Exhibit A.

9.   While conducting these searches, I noticed that DNS Stuff apparently erred in stating that five Does (54, 60, 77, 99, and 113) are in Atlanta. The Does' hostnames and traceroutes indicate that four are located near Dallas, TX, and one is near New Orleans, LA. On August 5, 2005, Cadenhead confirmed my understanding that DNS Stuff occasionally erroneously returns the location of the host computer's ISP (in this case, Cox Communication, Inc., in Atlanta) rather than the location of the host computer itself (in this case Texas and Louisiana).

10.   As shown in Exhibit A, Doe #35 is apparently located in Gainesville, FL. His host name is ip24-250-200-101.ga.at.cox.net. On August 5, 2005, Cadenhead confirmed that "ga" means Gainesville, and "at" means Atlanta. Cadenhead also confirmed that when the codes in a hostname differ from one another, the first is more specific, and the second refers to the last stop in the network prior to reaching the most specific location.

11.   After accounting for the five errors discussed in ¶ 9, the list in Exhibit A shows that only 4 of 123 Does in this litigation appear to be located in Georgia. Most live very far away.

12.   This location information is readily accessible to the public, including to Plaintiffs. Indeed, Plaintiffs likely ascertained that the Does subscribe to Cox by looking up their hostnames.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on August 19, 2005.

                                                    /s David Arkush
                                                    DAVID ARKUSH