

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA**

BRIAN MAHANY
312 Oranewood Lane
Belleair Bluffs, Florida 33770

Plaintiff,

Case No.: 15-003022-CI

v.

Judge: Walter L. Schafer, Jr.

JANE DOE
Address Unknown

Defendant.

_____ /

SUBPOENA DUCES TECUM

To: Compliance Department
PissedConsumer.com
Consumer Opinion, LLC
1930 Village Center Circle #3-6853
Las Vegas, Nevada 89134

WE COMMAND YOU, that all business and excuses being laid aside, to produce the materials listed below in Schedule A hereto at the Law Offices of Dinn, Hochman & Potter, LLC, by mail to 5910 Landerbrook Drive, Suite 200, Cleveland, Ohio 44124, or alternatively, deliver the materials by email to ndebaltzo@dhplaw.com or aminc@dhplaw.com, within 20 days of service hereof.

TAKE NOTICE THAT, failure to comply with this subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued for damages sustained by reason of your failure to comply.

The disclosures set forth in Schedule A are sought because the content on the pissedconsumer.com website, under Report Number 13261d8a and Review Number 302994

(URL http://brian-malhany.pissedconsumer.com/brian-mahany-thief-liar-con-artist-***-20120307302994.html).

The disclosures set forth in Schedule B are made in accordance with your Civil Subpoena Policy.

The disclosure set forth in Schedule C are made in Compliance with your Waiver of Paragraph 1 form.

Dated: May, 13, 2015


Nicholas J. DeBaltzo, Jr.
Florida Bar No.: 0010365
Dinn, Hochman & Potter, LLC
5910 Landerbrook Drive, Suite 200
Cleveland, Ohio 44124
(440) 544-1104
(440) 446-1240
ndebaltzo@dhplaw.com

SCHEDULE A

Provide information, as set forth below, to identify the author(s)/user(s) who made the following post:

Pissed Consumer Report authored under the name "Linda Hughes" as Number 13261d8a - Review Number 302994 and URL http://brian-malhany.pissedconsumer.com/brian-mahany-thief-liar-con-artist-***-20120307302994.html, containing the following language alleged to be defamatory:

- a. "Brian Malhany - Brian Mahany thief, liar ***artist,***"
- b. Manany is "a totally perverted creep who gets off on harassing single women;" and
- c. Mahany is a "thief" who continues to "harass;" and
- d. That the Author can "hear his sticky breath like he is masterbating and gets off while he talks to me about how great a lawyer he is;" and that
- e. Mahany is a "creepy character."

For each of the author(s)/user(s) in question, provide the following information:

1. Join date
2. Last login
3. First Name
4. Last Name
5. Email Address
6. Email notification address for follow up comments
7. User's Phone Number if entered
8. City & Zip Code of User
9. Originating IP addresses for each and every connection by the user creating Report Number 1326d8a - Review Number 302994.
10. Remote port number for each user connection
11. The Date and time for each session
12. The time zone used by your log file record system
13. User agent detail of the user's computing devices for each session

14. Any additional information about these author(s)/user(s) not otherwise specified that will or may assist in the identification of the true author of Report Number 13261d8a - Review Number 302994 at URL http://brian-mahany.pissedconsumer.com/brian-mahany-thief-liar-con-artist-***-20120307302994.html

SCHEDULE B

Required Disclosures to Comply with PissedConsumer/Consumer Opinion, LLC Civil Subpoena Policy

1. The parties submitting this Subpoena agree to submit to the jurisdiction of the Courts of Nevada for any action or motion or any other legal proceeding with any relationship to the post, to the firm issuing this Subpoena, to this Subpoena, or for any dispute that we may have in connection with the pissedconsumer.com website.
2. In the event that a claim is filed by us on behalf of the Plaintiff against Consumer Opinion, LLC (or any claim against pissedconsumer.com of any kind) or should there be any proceeding in which Consumer Opinion/pissedconsumer.com is a party, participant or witnesses involving the items requested in this Subpoena, Nevada law will govern that dispute in all respects.

SCHEDULE C

Waiver of Paragraph 1

Whereas Brian Mahany (the Subpoena Seeking Party or "SPP") is involved in a proceeding in Pinellas County, Florida;

Whereas SSP desires to serve a subpoena upon pissedconsumer.com;

Whereas SSP agrees that this subpoena must be issued by a Nevada Court in Clark County, Nevada, in order to be valid and enforceable;

Whereas SPP desires to issue a subpoena from Florida in lieu of adhering to this requirement;

Whereas PissedConsumer/Consumer Opinion LLC ("CO LC") does not wish to waive its right to only be served with subpoenas by courts that have jurisdiction over it, namely the courts in Clark County, Nevada;

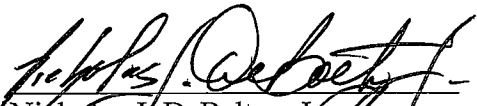
Whereas PissedConsumer/CO LLC is willing to waive this requirement in exchange for adequate consideration;

Now Therefore, the parties agree as follows:

1. SSP Agrees that PissedConsumer/CO LLC is a Nevada entity and is entitled to all of the protections available to it under Nevada law.
2. SSP agrees that any dispute between SSP and/or any related entity and PissedConsumer/CO LLC shall be governed exclusively by Nevada law. Specifically, but without limited the generality of this clause, NRS 41.660-670 shall, without limitation, apply in any dispute between the parties.

3. SSP agrees that this choice of law provision is mandatory in nature, and that if any action is filed against PissedConsumer/ CO LLC and the court declines to honor this choice of law provision, or for any other reason applies the law of any other state to the dispute, then SSP and PissedConsumer/ CO LLC agree that the proceeding shall be deemed voluntarily dismissed, without prejudice.

4. Any disputes will be resolved in Clark County, Nevada, and that both parties waive any amount of any claim in excess of \$49,000.00.



Nicholas J. DeBaltzo, Jr.
Dinn, Hochman & Potter, LLC
5910 Landerbrook Drive, Suite 200
Cleveland, Ohio 44124
440-544-1104
Attorney for Plaintiff Brian Mahany

Consumer Opinion
(pissedconsumer.com)
Compliance Department
1930 Village Center Circle #3-6853
Las Vegas, Nevada 89134

By: _____

Its: _____

Anonymous 2 hours ago #983699

TO THE AUTHOR OF THE POST Identified as Report Number 13261d8a and Review Number 302994 under the name "linda hughes" PLEASE BE ADVISED that a Court Proceeding has been initiated against you in order to obtain your true identity, in the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida, located at 315 Court Street, Clearwater, Florida 33756 (727) 464-7000 bearing Case No. 15-003022-CI before the Honorable Judge Walter L. Schafer, Jr. The Complaint alleges that statements contained in the aforementioned Report/Review Numbers contain defamation and libel against the Plaintiff, Brian Mahany. Unique ID Number: WB0513

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Anonymous May 04 #979790

NOTICE OF PENDING LAWSUIT PURSUANT TO FLORIDA STATUTE CHAPTER 770

To the Author of this Post: Please take NOTICE that a Lawsuit has been prepared against you for Defamation, Libel and an Injunction in the Circuit Court for the Sixth Judicial Circuit, Pinellas County Florida concerning this Post (Account Number 12aba79c and Review Number 302994). The Complaint alleges that the following statements authored by you constitute Defamation of Brian Mahany, including that:

- a. "Brian Malhany - Brian Mahany thief, liar *** artist ***."
- b. Mahany is "a totally perverted creep who gets off on harassing single women."
- c. Mahany is a "thief" who continues to "harass."
- d. That the Author can "hear his sticky breath like he is masterbating and gets off while he talks to me about how great a lawyer he is." and
- e. Mahany is a "creepy character." You are being supplied with this Notice pursuant to Florida Statute Chapter 770, which requires that you receive at least five (5) days written Notice of a potential lawsuit being filed for Defamation and Libel. If, within those five (5) days, you issue a correction, apology, retraction or complete removal of the post authored by you, the Complaint will not be filed. If, on the other hand, you fail to issue such correction, apology, retraction or complete removal of the post within said five (5) day period, the Complaint against you for Defamation, Libel and an Injunction will be filed in the Circuit Court for the Sixth Judicial Circuit, Pinellas County, Florida. ID Number DM08MB **Show less**

0 0 Reply