

Cause No. 03-11571-D

AFFILIATED COMPUTER SERVICES, INC.,
Plaintiff,

v.

JOHN DOES NUMBERS 1-13,
Defendants.

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IN THE DISTRICT COURT

95TH JUDICIAL DISTRICT

OF DALLAS COUNTY, TEXAS



SPECIAL APPEARANCE

A. INTRODUCTION

Defendant Doe No. 11, identified in the Petition by the pseudonym “offshores7,” (“Defendant”) files this Special Appearance for purposes of objecting to the jurisdiction of this Court over Defendant’s person and property, and as grounds therefore would show the Court the following:

B. SPECIAL APPEARANCE

1. This Special Appearance is made to the entire proceeding and is filed prior to any other plea, pleading, or motion. Contemporaneously with the filing of this Special Appearance, Defendant will also be filing a motion to quash a subpoena issued by Plaintiff to a third-party, Yahoo! Inc., on the same day that this Petition was filed.

2. This Court does not have jurisdiction over Defendant’s person or property for the reason that neither Defendant nor Defendant’s property is amenable to process issued by the courts of Texas. In this connection, Defendant would further show that:

- A. Defendant is not, and never has been, a resident of the State of Texas. Defendant is a resident of the State of Florida;

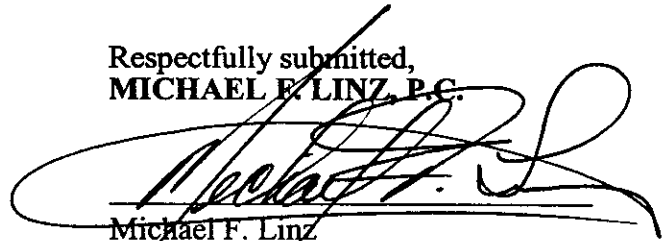
- B. Defendant is not required to maintain, and does not maintain, registered agents for service in Texas;
- C. Defendant is not currently, and never has, engaged in business in Texas;
- D. Defendant does not maintain, and never has maintained, a place of business in Texas, and has no employees, servants or agents within the State;
- E. Defendant does not own, and never has owned, any real property in Texas;
- F. Defendant does not maintain, and never has maintained, a bank account in Texas;
- G. Defendant has not committed any tort, in whole or in part, within Texas;
- H. The conduct complained of in the Petition – Defendant’s act of posting a message on an Internet message board – occurred in Florida, not in Texas, and was not directed at any individuals in Texas; and,
- I. Defendant is not aware of any basis upon which jurisdiction over Defendant by this Court would be proper.

3. The assumption of jurisdiction by the Court over Defendant would offend traditional notions of fair play and substantial justice, depriving Defendant of the right to due process of law as guaranteed by the Constitution of the United States and the State of Texas.

C. REQUEST FOR RELIEF

In consideration of the foregoing, Defendant requests that this Special Appearance be set for hearing; that upon such hearing Defendant’s objection to jurisdiction be sustained; that the subpoena issued by Plaintiff in connection with this action be quashed; and, that Plaintiff’s claims against Defendant be dismissed for want of personal jurisdiction. Defendant asks for such other and further relief as the Court may deem appropriate.

Respectfully submitted,
MICHAEL F. LINZ, P.C.



Michael F. Linz
State Bar No. 12393800
Christine E. Eason
State Bar No. 00795098

COOPERATING ATTORNEYS
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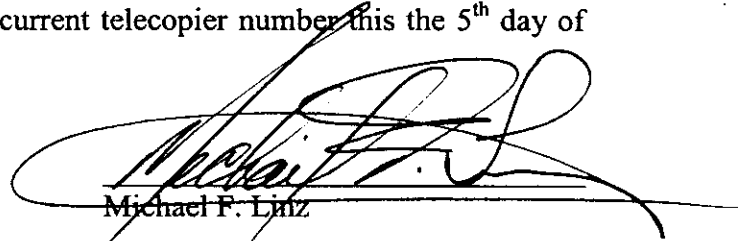
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ATTORNEYS FOR DEFENDANT DOE NO. 11

*Application For Admission *Pro Hac Vice* Pending

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing pleading, plea, or motion has been served on parties and/or the parties' duly authorized agent or attorney of record specified below by telephonic document transfer to the recipient's current telecopier number this the 5th day of December 2003.



Michael F. Linz


Steve Samner
Rebecca Hamilton
Jerrod Davis
3838 Oak Lawn Ave., Suite 400
Dallas TX 75219
Fax 214.965.9215

VERIFICATION

Before me the undersigned authority on this day personally appeared Doe No. 11, pseudonym "offshores7,"¹ who, being by me first duly sworn to tell the truth, stated that Doe No. 11 has read the above and foregoing **SPECIAL APPEARANCE** and that the facts set forth therein are true and correct.

Doe No 11
Doe No. 11, pseudonym "offshores7"



Subscribed and sworn to before me this 3rd day of December 2003 to certify which witness my hand and seal of office.


Notary Public in and for the
State of Florida

Redacted

My commission expires: 9/6/05




Notary Public, State of Florida
Commission # 
My Commission Expires 9/6/05

¹ Doe No. 11 respectfully declines to provide Doe's name in this Special Appearance and Verification. Through this Special Appearance and the contemporaneously filed motion to quash, Doe No. 11 seeks to protect Doe's identity from disclosure. Providing Doe's name herein would necessarily defeat that purpose. Counsel will provide Doe's identifying information *in camera* to the Court, if so requested.

LAW OFFICES OF
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Michael F. Linz*
Christine E. Eason

Phone 214.748.1948
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December 5, 2003

Via Hand Delivery

Clerk of the Court
95th Judicial District Court
George L. Allen, Sr. Court Bldg.
600 Commerce St., Suite 329
Dallas TX 75202

Re: *Affiliated Computer v. John Doe, et al.*
Case No. 03-11571-D

Dear Sir or Madam:

Enclosed please find the original and copies of the following pleading[s] for filing with the Court in the above styled and numbered proceeding:

1. **SPECIAL APPEARANCE;**
2. **MOTION TO QUASH;**
3. **MOTION FOR ADMISSION PRO HAC VICE – ADEN J. FINE;**
4. **MOTION FOR ADMISSION PRO HAC VICE – CHRISTOPHER A. HANSEN; and,**
5. **STATEMENT OF LOCAL COUNSEL IN SUPPORT OF MOTION FOR ADMISSION PRO HAC VICE.**

Please file stamp and return a copy of the pleading[s] in the enclosed, postage prepaid, return envelope.

I have also enclosed a proposed **ORDER** with respect to the applications for admission pro hac vice and ask that you present it to the Court for its consideration. An additional postage prepaid, return envelope is enclosed for the order.

Please set the motion to quash for hearing.

Please call this office collect if there are any problems in your complying with this request. Thank you for your attention to this matter and, I remain,

Very truly yours,

Michael F. Linz

Enclosure