

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

_____	)	
AF HOLDINGS, LLC,	)	
	)	
Plaintiff/Counter-Defendant,	)	
v.	)	Civil Action No. 3:12-cv-01401-JBA
	)	
ELLIOT OLIVAS,	)	
	)	OCTOBER 25, 2013
Defendant/Counter-Plaintiff.	)	
_____	)	

**AFFIDAVIT OF JASON E. SWEET IN SUPPORT OF DEFENDANT’S MOTION FOR  
DEFAULT JUDGMENT PURSUANT TO FED.R.CIV.P. 55**

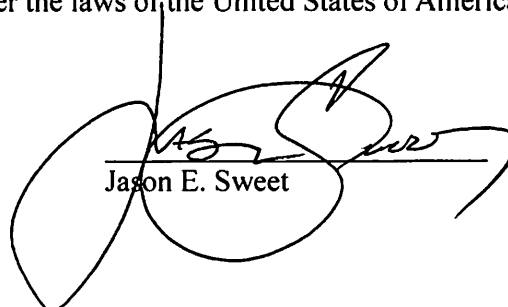
I, Jason E. Sweet, declare:

1. I am an attorney at law licensed to practice before the Courts of the State of Massachusetts and admitted *pro hac vice* before this Court, among others. I am a partner in the law firm of Booth Sweet LLP, attorneys for the Defendant. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.
2. AF Holdings instituted this action on October 1, 2012, alleging copyright infringement, contributory infringement and civil conspiracy.
3. AF Holdings completed service on the Defendant Elliot Olivas (“Defendant”) on January 4, 2013.
4. Defendant filed and served his Answer and Counterclaims upon AF Holdings on January 25, 2013.
5. On March 20, 2013, a pre-filing conference was held before this Court. During the conference, AF Holdings represented it would be filing a motion to dismiss Defendant’s Counterclaims.
6. The Court issued a Scheduling Order requiring AF Holdings to file its motion to dismiss by April 4, 2013.

7. To date, the Plaintiff has neither answered the Complaint nor indicated to Defendant any intention to do so, and the time for answering the Complaint has expired.
8. On April 3, 2013, Defendant attempted to discuss with Plaintiff initial disclosures under Rule 26 (a)(1) and delivered a letter to that effect.
9. On March 11, 2013, Defendant's counsel attended the Show Cause hearing held in *Ingenuity 13 v. Doe*, No. 12-cv-08333 (C.D. Cal. 2012). This hearing served as the basis for the California court's May 6, 2013 finding that AF Holdings, LLC is an alias of its counsel, Prenda Law, Inc., its principals, attorneys John L. Steele, Paul A. Duffy and Paul R. Hansmeier, and its paralegal, Mark Lutz (collectively, "Plaintiff"). *See*, ECF No. 25.
10. On June 4, 2013, Defendant contacted Plaintiff to inquire about his 26(f) Proposed Joint Pretrial Discovery Schedule.
11. Defendant's counsel has attempted, via certified mail, to notify AF Holdings, Prenda Law, John L. Steele, Paul A. Duffy, Paul R. Hansmeier, and Mark Lutz of a concurrent default motion in *AF Holdings v. Chowdhury*, No. 12-cv-12105 (D. Mass. 2012). Multiple addresses were tried. All mailings to Mark Lutz, AF Holdings and Prenda Law were returned as undeliverable. Mailings to Steele, Hansmeier and Duffy were delivered, but prompted no response. Final judgment in *Chowdhury* was entered on October 22, 2013.
12. Plaintiff has not responded either discovery request other than to inform Defendant that the matter was forwarded to Paul Duffy of Prenda Law, Inc.
13. I am informed and believe that Defendant is not an infant or incompetent, nor an active member of the military.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 25, 2013

  
Jason E. Sweet

On October 25, 2013, before me, Torrey Khakal, Notary Public, personally appeared Jason E. Sweet, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person or the entity upon behalf of which that person acted, executed the instrument.

WITNESS my hand and official seal: 10/25/13

Torrey Khakal  
my commission exp. 9/23/16

