

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA CIVIL DIVISION**

<p><b>REUNION INDUSTRIES, INC., a Delaware Corporation,</b></p> <p style="text-align: right;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>DOE 1 a/k/a DENUNZ2005, an adult individual, DOE 2 a/k/a STOCKER606, an adult individual and DOE 3 a/k/a PUN 2 DEX, an adult individual,</b></p> <p style="text-align: right;"><b>Defendants.</b></p>	<p><b>CIVIL DIVISION</b></p> <p><b>No. GD-<del>96</del>-007965</b></p> <p><b>PRAECIPE OF APPEARANCE, MOTION TO REVOKE LETTER ROGATORY (QUASH SUBPOENA) OR, ALTERNATIVELY, OBJECTIONS TO SUBPOENA PURSUANT TO RULE 4009.21, AND MOTION FOR PROTECTIVE ORDER</b></p> <p><b>Filed on behalf of Defendants: DOE 1.</b></p> <p><b>Counsel of Record for this Party:</b></p>
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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA CIVIL DIVISION

<p><b>REUNION INDUSTRIES, INC., a Delaware Corporation,</b></p> <p style="text-align: right;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>DOE 1 a/k/a DENUNZ2005, an adult individual, DOE 2 a/k/a STOCKER606, an adult individual and DOE 3 a/k/a PUN 2 DEX, an adult individual,</b></p> <p style="text-align: right;"><b>Defendants.</b></p>	<p><b>CIVIL DIVISION</b></p> <p><b>No. GD-06-007965</b></p> <p><b>PRAECIPE OF APPEARANCE, MOTION TO REVOKE LETTER ROGATORY (QUASH SUBPOENA) OR, ALTERNATIVELY, OBJECTIONS TO SUBPOENA PURSUANT TO RULE 4009.21, AND MOTION FOR PROTECTIVE ORDER</b></p> <p><b>Filed on behalf of Defendants: DOE 1.</b></p> <p><b>Counsel of Record for this Party: Joseph J. Schwerha IV, Esq. PA ID #73400 SCHWERHA &amp; ASSOCIATES 173 State St. Charleroi, PA 15022</b></p>
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**PRAECIPE OF APPEARANCE**

TO: The Prothonotary,

Please enter my appearance on behalf of Defendant Doe 1 in the above captioned action.

Respectfully submitted,

  
Joseph J. Schwerha IV, Esq.

PA ID # 73400

SCHWERHA & ASSOCIATES

173 State St.

Charleroi, PA 15022

P: 412.296.3954

F: 707.202.3143

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
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<p><b>REUNION INDUSTRIES, INC., a Delaware Corporation,</b></p> <p style="text-align: right;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>DOE 1 a/k/a DENUNZ2005, an adult individual, DOE 2 a/k/a STOCKER606, an adult individual and DOE 3 a/k/a PUN 2 DEX, an adult individual,</b></p> <p style="text-align: right;"><b>Defendants.</b></p>	<p><b>CIVIL DIVISION</b></p> <p><b>No. GD-<del>96</del>-007965</b></p> <p><b>PRAECIPE OF APPEARANCE, MOTION TO REVOKE LETTER ROGATORY (QUASH SUBPOENA) OR, ALTERNATIVELY, OBJECTIONS TO SUBPOENA PURSUANT TO RULE 4009.21, AND MOTION FOR PROTECTIVE ORDER</b></p> <p><b>Filed on behalf of Defendants: DOE 1.</b></p> <p><b>Counsel of Record for this Party:</b></p>
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**MOTION TO REVOKE LETTER ROGATORY (QUASH SUBPOENA) OR,  
ALTERNATIVELY, OBJECTIONS TO SUBPOENA PURSUANT TO RULE  
4009.21, AND MOTION FOR PROTECTIVE ORDER**

AND NOW, comes Defendant Doe 1 (“Doe 1”), by and through his/her attorney Joseph J. Schwerha IV, hereby files this motion to quash any and all subpoenas for production of documents or duces tecum served by the Plaintiff in the above-captioned case, and to secure a protective order to safeguard Defendants’ constitutional First Amendment right to engage in pseudonymous, anonymous speech, and as grounds therefore avers as follows:

## History of the Case

1. This case involves attempts of a publicly-traded corporation to use court process to discover the identity of three pseudonymous internet users who, allegedly, published defamatory material about the corporation. Defendant herein argues that these attempts to force non-parties to divulge information revealing the Does' identity are procedurally defective and should, therefore, be quashed. Furthermore, the danger to the Does' First Amendment rights posed by the Plaintiff's continued use of ex parte process requires an appropriate protective order.

2. Plaintiff Reunion Industries, Inc. ("Reunion") is a Delaware corporation with its principal place of business located at 11 Stanwix street, Suite 1400, Pittsburgh, Allegheny County, Pennsylvania 15222.

3. Defendant Doe 1 is the pseudonym for the individual using the alias "denunz2005" for posting messages on the Yahoo! Finance bulletin board designated for Reunion (found under the ticker symbol "RUN") and in his/her other communications over the Internet.

4. Defendant Doe 2 is the pseudonym for the individual using the alias "stocker606" for posting messages on the Yahoo! Finance bulletin board designated

for Reunion (found under the ticker symbol “RUN”) and in his/her other communications over the Internet.

5. Defendant Doe 3 is the pseudonym for the individual using the alias “pun2dex” for posting messages on the Yahoo! Finance bulletin board designated for Reunion (found under the ticker symbol “RUN”) and in his/her other communications over the Internet.

6. On April 4, 2006, Plaintiff Reunion filed a complaint in the Court of Common Pleas of Allegheny County, Pennsylvania, alleging that the three Does published defamatory information about Reunion on the Yahoo! Finance bulletin board designated for Reunion. Reunion Industries, Inc., v. Doe 1, Doe 2, and Doe 3. A true and correct copy of the Complaint is attached hereto as Exhibit “1” (possibly without some exhibits). To this date this complaint has **not** been served on the Does’ counsel. To date, Defendant Doe 1 is unaware of any attempts made by Plaintiff to serve the Complaint or otherwise notify Doe 1 of this lawsuit, in general.

7. On May 18, 2006, Plaintiff filed a Motion for a Letter Rogatory, which was granted by the Honorable Michael A. DellaVecchia of the Court of Common Pleas of Allegheny County, Pennsylvania.

8. Pursuant to the Letter Rogatory of May 18, Plaintiff Reunion served a subpoena on Yahoo!, in an attempt to uncover the identities of the Does.

9. Yahoo! apparently informed Plaintiff Reunion that America Online (“AOL”) was the internet service provider for at least Defendant Doe 1.

10. On August 31, 2006, Plaintiff filed a Motion for a Letter Rogatory, which was granted by the Honorable Robert P. Horgos of the Court of Common Pleas of Allegheny County, Pennsylvania. A true and correct copy of the Motion and resulting Letter Rogatory is attached hereto at Exhibit “2” (possibly without some exhibits).

11. On or about September 28, 2006, local counsel for Plaintiff filed a Praecipe Requesting Foreign Subpoena Deces Tecum. A true and correct copy of this Praecipe is attached hereto as Exhibit “3” (possibly without some exhibits).

12. AOL notified Defendant Doe 1 of the pending complaint and subsequent subpoena.

13. Counsel for the Defendant Doe 1 was not notified of these filings by Plaintiff Reunion, nor was he served in advance with the relevant court documents.

14. The subpoena was issued by Loudoun County on October 2, 2006, with a due date of October 27, 2006.

15. Counsel for Doe 1 has notified AOL of the instant motion and they have decided to not produce any documentation in response to the Loudoun County subpoena until this court has decided the present motion.

### **Legal Argument**

16. Both the application for, and the service of the subpoena upon AOL were procedurally defective under the Pennsylvania Rules of Civil Procedure. Accordingly, the Letter Rogatory with regard to AOL should be revoked (and the subpoena should be quashed). Moreover, a Protective Order should be put in place.

17. The Complaint has expired because it was not served upon Defendant Doe 1 within the prescribed time period. Pennsylvania Rule of Civil Procedure Rule 401 states that “[o]riginal service shall be served within the Commonwealth within thirty days after the issuance of the writ or the filing of the complaint.” Pa. R.C.P. Rule 401. That time period is extended to 90 days for out of state defendants Pa. R.C.P. 404. Plaintiff Reunion filed the Complaint on April 4, 2006. Reunion never made any attempt to serve the Complaint upon Defendant Doe 1. Thus, the Letter Rogatory should be revoked because there was no valid complaint in place at the time the Letter Rogatory was issued. In fact, Defendant Doe 1 only learned that there was a Complaint through notification by AOL in October, 2006.

18. In this case, the Plaintiff chose to have a subpoena issued by virtue of a motion for letter rogatory. Defendant Doe 1 never had an opportunity to defend the Motion, however. Despite allegedly having Defendant Doe 1's email address, to the best of Defendant Doe 1's understanding, no attempt to notify Defendant Doe 1 has ever been made. That failure results in a constitutional violation of Defendant Doe 1's Pennsylvania and Federal constitutional rights to due process.

19. Thus, the Motion for Letter Rogatory should have never been granted and must be immediately revoked.

20. The Motion for Letter Rogatory amounted to the same procedure as sending a subpoena to a non-party. The 1997, amendments to the Rules of Civil Procedure added rules governing the application for, and service of, subpoenas upon non-parties. Pa. R.C.P. 4009.21, *et seq.*

21. Plaintiff Reunion's attempt to subpoena information from AOL to produce documents identifying the Defendant Doe 1 violated the Rules at every turn. In essence, the rules prohibit *ex parte* applications for subpoenas against non-parties. They mandate prior notice to, and an opportunity to object by, the other parties.

22. First, the application itself was faulty. Plaintiff Reunion did not give prior notice to the Defendant Doe 1 of application for the subpoena. Rule 4009.21. The form of this notice is prescribed by Rule 4009.24. Reunion filed a motion for and



was granted a Letter Rogatory on May 18, 2006. This Letter Rogatory allowed Reunion to serve a subpoena on Yahoo! to determine the identities of the Does. Through that subpoena, Reunion learned that AOL was the Internet Services Provider of at least one of the Does. On September 1, 2006, Reunion filed a motion for and was granted a Letter Rogatory to serve a subpoena on AOL to learn the identities of the Defendant Doe 1. It was AOL that sent a copy of the subpoena to the Defendant Doe 1 on October 3, 2006. It was at that time that the Defendant Doe 1 learned of the Complaint that had been filed on April 4, 2006, because Reunion never attempted to serve the Doe 1, even after allegedly having Doe 1's email address.

23. Finally, plaintiff Reunion also failed to comply with the service requirements when it served the subpoenas on Yahoo! and AOL. Rule 4009.22 establishes conditions precedent to service of the subpoenas, namely, giving 20 days notice of the intent to serve the subpoenas on all other parties and filing an appropriate certificate with the court. Pa. R.C.P. Rule 4009.22. The form of the certificate is prescribed by Rule 4009.25. Plaintiff Reunion has neither given 20 days notice nor filed the requisite certificate.

24. These serious procedural flaws in the Motion for Letter Rogatory and application for, and service of, the subpoena, require that this Court revoke the letter rogatory and quash the subpoena. Plaintiff should not be allowed to totally escape these Pennsylvania requirements for due process by merely filing an ex parte Motion for Letter Rogatory. Accordingly, the Defendant Doe 1 respectfully requests herein

that the Court revoke the Letter Rogatory issued with regard to AOL, effectively quashing the subpoenas served on AOL.

25. Although the foregoing procedural argument should be dispositive, there are three reasons for addressing herein the constitutional interests at stake: 1) any doubts about the propriety of revoking the Letter Rogatory (quashing the subpoena) based on the procedural defects must be resolved in favor of the Does because of the constitutional privacy and free speech issues; 2) if the Court does not agree that the procedural defects require granting this motion, the constitutional issues must be addressed; and 3) in light of the inappropriate methods utilized by Plaintiff to secure the Doe 1's identity, this Court should issue an appropriate protective order to safeguard the Doe 1's First Amendment rights.

26. Doe 1 has a well-documented First Amendment right to communicate anonymously. This First Amendment protection of anonymous speech also applies to discussions on the Internet. *American Civil Liberties Union v. Johnson*, 4 F. Supp. 2d 1029, 1033 (D. N.M. 1998)(statute requiring personal identification information impermissibly "prevents people from communicating and accessing information anonymously". *American Civil Liberties Union v. Miller*, 977 F.Supp. 1228, 1233 (N.C. Ga. 1997)(law making it illegal to use false name "prohibits such protected speech as the use of false identification to avoid social ostracism, to prevent discrimination and harassment, and to protect privacy," which has first amendment implications.)

27. “The decision in favor of anonymity may be motivated by fear of economic or official retaliation, by concern about social ostracism, or merely by a desire to preserve as much of one’s privacy as possible. Whatever the motivation may be, at least in the field of literary endeavor, the interest in having anonymous works enter the marketplace of ideas unquestionably outweighs any public interest in requiring disclosure as a condition of entry. Accordingly, an author’s decision to remain anonymous, like other decisions concerning omissions or additions to the content of a publication, is an aspect of the freedom of speech protected by the first Amendment.” *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 at 341-42.

28. These First Amendment interests also apply to the discovery process. *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 34-35 (1984). The way Reunion has proceeded in this matter has been in direct contravention of the privacy rights of the Defendant Does. However, this Court can remedy this injustice by quashing the subpoena, or in the alternative, granting the protective order. *Herbert v. Lando*, 441 U.S. 153, 178 (1979)(Powell, J., concurring)(“In supervising discovery ... a district court has a duty to consider First Amendment interests as well as the private interest of the [defendant]”). *Stenger v. Lehigh Valley Hospital Center*, 530 Pa. 426, 435 n.8 (1992) (“It is acknowledged that court orders which compel, restrict or prohibit discovery constitute state action which is subject to constitutional limitations ...” citing *Rhinehart*, supra.).

29. Defendant Doe 1 does not attempt to argue that the First Amendment privilege should act as a complete bar to discovery. See 6 Standard Pennsylvania Practice 2d, §34.30 (1994) (“The privilege involving First Amendment rights of free association, free speech, and privacy applies to discovery between private litigants; however the privilege is qualified and cannot be used as a blanket bar to discovery.”) It is possible for a plaintiff to pierce the veil of anonymity, but only after he has overcome his burden of justifying such an infringement of a First Amendment right. The trial court must oversee the discovery process in such a way that the defendant’s rights are not trampled, or else Reunion will be able to do an end run around *New York Times v. Sullivan*’s prohibition against direct punishment.

30. Reunion’s attempt to compel the disclosure of the Doe 1’s identity violates the First Amendment if such disclosure does not satisfy a heightened standard of scrutiny. See 6 Standard Pennsylvania Practice 2d, §34.30 (1994) (“Once a litigant shows that a discovery request is directed at the heart of a group’s protected [First Amendment] activities, the court must subject the request to a higher level of scrutiny.”).

31. In deciding whether to permit discovery of confidential identifying information from a third-party, the court should consider the following three burdens which the plaintiff must overcome: 1) whether the plaintiff can effectively demonstrate that he would likely succeed on the merits of his defamation claim; 2) whether the plaintiff can establish that a balance of hardships tips in his favor; and 3) whether the plaintiff can establish that the subpoena is the least intrusive alternative available. These

factors, strike a balance between the plaintiff's right to recover for a legitimate defamation claim, while ensuring that the plaintiff is not able to compel discovery of confidential identifying information when disclosure is neither necessary nor fair to defendant.

32. The first element prevents needless disclosure of an anonymous speaker's identity by requiring plaintiff to demonstrate that he is likely to succeed on the merits of his defamation claim before disclosure can be compelled. The Supreme Court in *New York Times v. Sullivan* imposes several hurdles before a plaintiff may punish speech through a defamation action. The falsity of speech and whether it caused any actual injury can be tested without disclosing the identity of the defendant. Unless the plaintiff can demonstrate that he is likely to succeed on the merit of these two elements of a defamation claim, there is no need to orally examine the defendants by deposition. In the instant case, the defendants aver that not only is Reunion unable to prove that it suffered any damage, financial or otherwise, as a result of the posts at issue, but that Reunion cannot demonstrate evidence of malice. Further, it would be very difficult, if not impossible to prove that Defendant had not "heard" the allegedly defamatory statements, as the allegedly libelous statements merely state that Doe 1 "heard" that they were factual.

33. The second element allows the plaintiff to compel disclosure only when he can prove that the balance of hardships tip in his favor. In determining whether the plaintiff has satisfied this prong, the court should consider the harm caused to plaintiff

by denying it access to the defendant's identity. The court should then balance this against the harm caused to defendant by the unnecessary revelation of defendant's identity. Because disclosure cannot be reversed once it is compelled, plaintiff would only be able to demonstrate that the balance of hardships tip in his favor if he shows that identifying information is essential to proving his defamation claim, that is, if compelled disclosure is the last remaining piece of evidence preventing plaintiff from recovery. The Plaintiff will not be able to demonstrate this element, either.

34. The third element ensures that a plaintiff pursues the least intrusive means possible before the court permits the compelled disclosure of an anonymous speaker's identity. Specifically, before a plaintiff will be allowed to compel defendant's identity from a third-party, she must show that no discovery short of disclosure will be sufficient to meet her legitimate ends. *See e.g., Hatchard v. Westinghouse Broadcasting*, 516 Pa. 184, 192-93 (1987) (discussing restrictions on discovery to protect confidential news informants). For example, if plaintiff sought discovery of the facts known by the speaker, he would have to show why these facts could not be initially obtained by interrogatories to the pseudonymous defendant.

35. In the instant case, not only is the heightened scrutiny dictated by the protected speech at issue, but a higher standard is justified because this case involves a defamation claim by a publicly traded corporation.

36. In conclusion, the constitutional implications of this case support the defendants' procedural argument that the subpoenas should be quashed and that a protective order should issue.

WHEREFORE, Defendant Does 1 respectfully request that this honorable Court revoke the previously issued Letter Rogatory (with regard to AOL) and effectively quash Plaintiff Reunion Industries, Inc.'s subpoena to AOL and the Loudoun County Clerk of Courts and that a protective order be entered enjoining additional discovery pending further order of this Court.

Respectfully Submitted,



Joseph J. Schwerha IV, Esq.

PA ID # 73400

SCHWERHA & ASSOCIATES

173 State St.

Charleroi, PA 15022

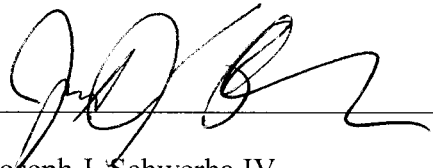
P: 412.296.3954

F: 707.202.3143

Attorney for Defendant Doe1

**VERIFICATION**

I, Joseph J. Schwerha, hereby verify that I am the attorney for the Defendants Doe  
1 and that the factual allegations in the foregoing Motion To Revoke Letter Rogatory  
(Quash Subpoena) Or, Alternatively, Objections to Subpoenas Pursuant to Rule 4009.21,  
And Motion For Protective Order are, to the best of my information and belief, true and  
correct. I understand that false statements made herein are subject to the penalties set  
forth in 18 Pa.C.S.A. §4904.

  
\_\_\_\_\_  
Joseph J. Schwerha IV

10/25/06  
\_\_\_\_\_  
Date



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA CIVIL DIVISION

<p><b>REUNION INDUSTRIES, INC., a Delaware Corporation,</b></p> <p style="text-align: right;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>DOE 1 a/k/a DENUNZ2005, an adult individual, DOE 2 a/k/a STOCKER606, an adult individual and DOE 3 a/k/a PUN 2 DEX, an adult individual,</b></p> <p style="text-align: right;"><b>Defendants.</b></p>	<p><b>CIVIL DIVISION</b></p> <p><b>No. GD-06-007965</b></p> <p><b>PRAECIPE OF APPEARANCE, MOTION TO REVOKE LETTER ROGATORY (QUASH SUBPOENA) OR, ALTERNATIVELY, OBJECTIONS TO SUBPOENA PURSUANT TO RULE 4009.21, AND MOTION FOR PROTECTIVE ORDER</b></p> <p><b>Filed on behalf of Defendants: DOE 1.</b></p> <p><b>Counsel of Record for this Party: Joseph J. Schwerha IV, Esq. PA ID #73400 SCHWERHA &amp; ASSOCIATES 173 State St. Charleroi, PA 15022</b></p>
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**PROTECTIVE ORDER AND ORDER QUASHING SUBPOENAS**

Having read and considered Defendant's arguments, having entertained oral argument thereon, and for good cause shown, it is on this \_\_\_\_\_ day of November, 2006 hereby **ORDERED**,

1. That the Letter Rogatory issued by this Court and served by Plaintiff on non-parties America On Line and the Loudoun County Court Clerk for documents identifying Doe 1 be, are hereby revoked; and
2. The Prothonotary of Allegheny County immediately notify the Clerk of Courts of the Loudoun County Circuit Court of this Order; and
3. Until further order from this court Plaintiff is hereby **ENJOINED** from engaging in any further discovery; and

4. That thereafter any discovery attempted by Plaintiff on non-parties shall be served on Defendant Doe's counsel at least twenty (20) days in advance of service and shall otherwise conform to Pennsylvania Rules of Civil Procedure 4009.21, *et seq.*

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Hon. R. Stanton Wettick, Jr.



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

REUNION INDUSTRIES, INC., d/b/a CP ) CIVIL DIVISION  
INDUSTRIES, a Pennsylvania Corporation, )  
 ) No.  
 )  
 ) Plaintiff, )  
 )  
 )  
 ) v. )  
 )  
 )  
 ) DOE 1 a/k/a DENUNZ2005, an adult )  
 individual, DOE 2 a/k/a STOCKER606, an )  
 adult individual and DOE 3 a/k/a PUN 2 DEX, )  
 an adult individual, )  
 )  
 )  
 ) Defendants. )

**NOTICE**

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

LAWYERS REFERRAL SERVICE  
THE ALLEGHENY COUNTY BAR ASSOCIATION  
436 SEVENTH AVENUE  
400 KOPPERS BUILDING  
PITTSBURGH, PENNSYLVANIA 15219  
TELEPHONE: (412) 261-6161

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

REUNION INDUSTRIES, INC., d/b/a CP ) CIVIL DIVISION  
INDUSTRIES, a Pennsylvania Corporation, )  
 ) No.  
 )  
 ) Plaintiff, )  
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 ) v. )  
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 ) DOE 1 a/k/a DENUNZ2005, an adult )  
 individual, DOE 2 a/k/a STOCKER606, an )  
 adult individual and DOE 3 a/k/a PUN 2 DEX, )  
 an adult individual, )  
 )  
 )  
 ) Defendants. )

**COMPLAINT**

Plaintiff, Reunion Industries, Inc. d/b/a CP Industries, by and through its undersigned counsel, files the following Complaint and states as follows:

**PARTIES**

1. Plaintiff Reunion Industries, Inc. ("Reunion") is a Delaware corporation with its principal place of business located at 11 Stanwix Street, Suite 1400, Pittsburgh, Allegheny County, Pennsylvania 15222. Reunion is qualified to do business in the Commonwealth of Pennsylvania.
2. Defendant Doe 1 is an individual of unknown residence using the alias "denunz2005" ("Doe 1") for posting messages on the Yahoo! Finance bulletin board designated for Reunion (found under the ticker symbol "RUN") and in his/her other communications over the internet. Plaintiff Reunion will amend this Complaint to allege the true name and capacity of Doe 1 when ascertained.
3. Defendant Doe 2 is an individual of unknown residence using the alias "stocker606" ("Doe 2") for posting messages on the Yahoo! Finance bulletin board designated

for Reunion (found under the ticker symbol "RUN") and in his/her other communications over the internet. Plaintiff Reunion will amend this Complaint to allege the true name and capacity of Doe 2 when ascertained.

4. Defendant Doe 3 is an individual of unknown residence using the alias "pun2dex" ("Doe 3") for posting messages on the Yahoo! Finance bulletin board designated for Reunion (found under the ticker symbol "RUN") and in his/her other communications over the internet. Plaintiff Reunion will amend this Complaint to allege the true name and capacity of Doe 3 when ascertained.

#### **JURISDICTION AND VENUE**

5. Reunion is a resident of Allegheny County, Pennsylvania. Further, Reunion's causes of action against all defendants arose in Allegheny County because the defendants published their defamatory statements in Allegheny County, Pennsylvania and because Reunion suffered damages in Allegheny County, Pennsylvania.

#### **FACTUAL BACKGROUND**

6. Reunion is a publicly traded company traded on the NASDAQ exchange under the ticker symbol "RUN."

7. Reunion's Chief Executive Officer ("CEO") is Kimball Bradley. Prior to serving as CEO, Kimball Bradley served as Reunion's Chief Operating Officer.

8. The Yahoo! Finance bulletin board is part of the Yahoo! Website finance channel. Each publicly traded company has its own designated bulletin board. Each bulletin board provides its members a forum to post messages over the internet regarding specific publicly traded companies.

9. Reunion has been the subject of numerous defamatory messages posted on its designated Yahoo! Finance Bulletin board by Doe 1 a/k/a denunz2005, Doe 2 a/k/a stocker606 and Doe 3 a/k/a pun2dex.

10. On or about March 1, 2006, Defendant Doe 1 a/k/a denunz2005, willfully, without justification and without privilege published or caused to be published to other person on the internet, including specifically the Yahoo! Finance bulletin board designated for RUN and found under the ticker symbol "RUN," the following post:

- a. "OK, its just good to know that my sources are still accurate---I didn't think they were sold but, as I have been saying for a few months---THEY ARE RIPE FOR THE PICKIN'

I also heard their raw material is drying up and their former parent, U.S. Steel, is cutting back on their allocation of steel and demanding payment in advance. The PV Div. is going to RUN dry in short order, Employees are panicking because their is business to be had but no raw material to fill the orders.

Meanwhile, the competition has the money to stockpile the steel and they are picking up all the business because they have the material.

Doesn't bode well for RUN---they better sell while the books are full.

I wonder how many employees would be surprised if they knew whose resume is out on the street---even at his age!

A true and correct copy of the post is attached hereto as Exhibit A.

11. On or about February 7, 2006, February 8, 2006, February 21, 2006, February 23, 2006 and March 8, 2006, Defendant Doe 2 a/k/a stocker 606, willfully, without justification and without privilege published or caused to be published to other persons on the internet, including specifically the Yahoo! Finance bulletin board designated for RUN and found under the ticker symbol "RUN," the following posts:

- a. "So why has the Board or the Bondholders not taken some action to get competent management in place and drop the looser who has been running

the company into the ground. I have a friend who says this guy bought a box at the Steeler Football Stadium with Company money, a lot of it, and takes his friends on Reunion money, not customers. What is wrong. Does the Board think it will not get sued when the company goes under for not doing its job? Think again.”

- b. “You are being kind to say that Kimball is asleep at the wheel. The truth is that he is being as awake and alert as he can be. The problem. Is a lack of intellect and a huge ego. This is a fatal combination. The idea that this boy cannot find another job should not be a reason for keeping him in place, but its true. The Board are all beholden to the Bradleys, and Kimball cannot function away from the golf course. He will never be of value to anyone, and he is killing this company. He has no clue how to right the ship. Ask him and he will probably tell you what a great job he is doing in hard times. He is afraid to ask for help He views it as a sign of weakness, and he would look bad in the eyes of the YPO “Friends” who mostly concur that he is in way over his head. When this ship sinks, someone better keep the sharp objects out of his reach. He will have no one to lay the blame off on, and only a mirror to talk to. Where is the Board?”
- c. “In response to your comment, those notes you mention are right on the money. The problem with Reunion is management. When a father buys a public company so his son can be employed, that is bad news for the shareholders where the son lacks any ability to run a business. Kimball has had ample time to prove himself and he has. He cannot run a company. Even a father should put the public shareholders ahead of his worthless son. I suggest you call Kimball yourself. From the tone of your posting you could have a nice discussion. Neither of you can read a financial statement or know the basics of business. Please buy more shares and encourage you friends and family to buy as well. If This is your kind of company, no one will convinced you otherwise. With some people, reason is the enemy.”
- d. “I think you will find that Kimball has been running the show since 1999. The criticism is directed to the Board in a frustrated attempt to make them do their job, that is hire someone to replace a failed executive. Some shareholders are in so deep that they cannot get off the bus, and hope that a group of Directors will see the light and stop the carnage or get sued for their failure to be a Board concerned with the shareholders and not feelings of the boy who is driving the bus off a cliff.”
- e. “The results post 1999, were brought to you by the Wonder Boy. Ol’ big hat, no cattle himself, Dimball Bradley. And a credit he is to The Young Presidents Organization.”



- f. "God help us. Dimball is now CEO. The old CEO has taken leave, and left us in the hands of an incompetent. This lad comes to work occasionally; knows nothing about the company, but looks good and smiles broadly. Hope that the New York guys are truly running things. Father to son. Stockholders are in for a rough ride. This kid is clueless. Perhaps he will stay after 3:00pm now that he is in charge, but I doubt it. Watch the door of the YMCA. He is wet by 3:15, and on company time. When will he wake up and remember that he works for the shareholders and not for his abs. He will be forced to find meaningful work someday now that his father is fading and he should recall that he is building a record that will haunt him. Those guys in YPO are all smiles when you are in the seat, and will not return calls when you failure is monumental and unforgettable. This poor lad's fate is sealed unless he wakes up and does his job."

True and correct copies of the posts are attached to the Complaint as Exhibit B.

12. On or about February 2, 2006, February 22, 2006, and March 9, 2006, Defendant Doe 3 a/k/a pun2dex, willfully, without justification and without privilege published or caused to be published to other persons on the internet, including specifically the Yahoo! Finance bulletin board designated for RUN and found under the ticker symbol "RUN," the following posts:

- a. "Run has \$25,000,000.00 in junk bond debt, on which they have not made an interest payment in years. They are in default of the bond covenants, Bank Covenants and are always threatening bankruptcy to hold off the bondholders. How do you arrive at the 'no debt' conclusion?"
- b. "There is a apparent disconnect between blind optimism and business sense. A manager should get out of his office and go to customers, visit the plants and find new markets, new products and new businesses to bring a company above the profit line. He does not refinance a sea of debt over a five year reign, sell the devisions that earn a profit, add no new ones, shrink the revenue and raise his own salary, while buying a stadium box for his personal use with company funds, leave the office by 3:00 pm every weekday, work no weekends or evenings and pine for a job that makes 'real money'. This guy is rearranging the deck chairs on the Titanic, and only on a part time basis at that, while he works on his golfing handicap. We write in the hope that the board will wake up and find a real CEO. Will recognize that has a duty to the shareholders and not to an incompetent young boy who cannot fine a job on his own. Check his college history and ask him about his grades. A father cannot be blamed for wanting to help his son, but not in a public company, not at shareholder expense. Wake up. The movie stinks, but I paid to see it and am entitled to complain. The bus is being driven over a cliff, and as a

passenger I cannot get off and will continue to point out the obvious, that this company is being run by an incompetent manager with a rubberstamp board that someday will be called to answer personally. At worldcom each boardmember was required to pay 20% of his personal net worth to the shareholders because they ignored guys like me. It will happen again.”

- c. “This is just more rearranging of the deck chairs on the Titanic. K Bradley probably thinks he did something meriting a huge bonus or perhaps a pay increase, but look at what has happened since he became COO. Straight down for revenues, profits and share price. I agree he probably can’t sleep at night, but should still put in a full day, although with his ability, the company would do better without him. Still, Dad likes him, so he gets promoted, GO figure. After all the comments about YPO, I did some research and have concluded that they are a circle of jerks or a circle jerk. Our boy fits right in.”

True and correct copies of the posts are attached to the Complaint as Exhibit C.

13. Defendants’ statements were seen and read by persons in Pennsylvania and throughout the world who use the internet and specifically persons who access the Yahoo! Finance bulletin board designated for RUN.

**COUNT – I – COMMERCIAL DISPARAGEMENT**  
**Plaintiff v. Defendants Doe 1, Doe 2 and Doe 3**

14. Paragraphs 1 through 12 of the Complaint are hereby incorporated by reference as if set forth at length herein.

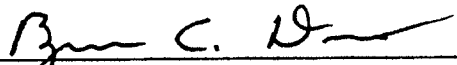
15. Defendants’ statements disparaged Reunion’s business in that they indicate that:

- a. Reunion has insufficient raw materials to conduct its business;
- b. a primary supplier is reducing their allocation of steel to Reunion and requiring it to make payment in advance;
- c. Kimball Bradley, Reunion’s current CEO and former COO, is incompetent;
- d. Kimball Bradley, Reunion’s current CEO and former COO, has converted Reunion funds to purchase a luxury box at Heinz Field for his personal use;

- e. Reunion's Board of Directors are not independent and simply rubberstamp any action proposed by Kimball Bradley, Reunion's current CEO and former COO;
  - f. Reunion is in default of its bank and bond covenants.
16. Each of the aforementioned statements were and are false.
17. Defendants intended their statements to cause pecuniary loss to Reunion or reasonably should have recognized that their posts would result in pecuniary loss to Reunion;
18. Defendants either knew that their statements were false or they acted in reckless disregard of their truth or falsity.
19. As a direct and proximate result of Defendants' posting of the false statements, Reunion has suffered an injury to its reputation, has suffered an injury to its business and has been exposed to hatred, contempt and ridicule.

WHEREFORE, Plaintiff Reunion Industries, Inc. requests this Honorable Court to enter judgment in her favor and against Defendants Doe 1, Doe 2 and Doe3 in a sum in excess of the jurisdictional limits of the Board of Arbitrators of this Honorable Court plus punitive damages.

DEL SOLE CAVANAUGH LLC

By: 

Stephen J. Del Sole  
Pa. I.D. No. 73460  
Patrick K. Cavanaugh  
Pa. I.D. No. 72960  
Bryan C. Devine  
Pa. I.D. No. 88355

The Waterfront Building  
200 First Avenue, Suite 200  
Pittsburgh, PA 15222

*Attorneys for Plaintiff Reunion  
Industries, Inc.*

TO: STEPHEN DEL SOLE

**VERIFICATION**

I, Kimball J. Bradley, Chief Executive Officer of Reunion Industries, Inc. have read the foregoing Complaint and verify that the statements therein are true and correct to the best of my knowledge, information and belief.

This verification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if a person knowingly makes false statements, he may be subject to criminal penalties.

Date: 4/3/06



Kimball J. Bradley

Chief Executive Officer of Reunion Industries, Inc.



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

REUNION INDUSTRIES, INC., d/b/a CP	)	CIVIL DIVISION
INDUSTRIES, a Pennsylvania Corporation,	)	
	)	No. GD 06-7965
Plaintiff,	)	
	)	
v.	)	
	)	
DOE 1 a/k/a DENUNZ2005, an adult	)	
individual, DOE 2 a/k/a STOCKER606, an	)	
adult individual and DOE 3 a/k/a PUN 2 DEX,	)	
an adult individual,	)	
	)	
Defendants.	)	

**MOTION FOR ISSUANCE  
OF LETTERS ROGATORY**

Plaintiff, Reunion Industries, Inc. d/b/a CP Industries, by and through its undersigned counsel, moves this Honorable Court for issuance of letters rogatory and states the following in support:

1. Plaintiff Reunion Industries, Inc. ("Reunion") is a publicly traded company traded on the NASDAQ exchange under the ticker symbol "RUN."
2. Reunion's Chief Executive Officer ("CEO") is Kimball Bradley. Prior to serving as CEO, Kimball Bradley served as Reunion's Chief Operating Officer.
3. The Yahoo! Finance bulletin board is part of the Yahoo! Website finance channel. Each publicly traded company has its own designated bulletin board. Each bulletin board provides its members a forum to post messages over the internet regarding specific publicly traded companies.
4. Reunion has been the subject of numerous defamatory messages posted on its designated Yahoo! Finance Bulletin board by Defendant Doe 1 a/k/a denunz2005, Doe 2 a/k/a stocker606 and Doe 3 a/k/a pun2dex.

5. Defendants' statements disparaged Reunion's business in that they indicate that:
  - a. Reunion has insufficient raw materials to conduct its business;
  - b. a primary supplier is reducing their allocation of steel to Reunion and requiring it to make payment in advance;
  - c. Kimball Bradley, Reunion's current CEO and former COO, is incompetent;
  - d. Kimball Bradley, Reunion's current CEO and former COO, has converted Reunion funds to purchase a luxury box at Heinz Field for his personal use;
  - e. Reunion's Board of Directors are not independent and simply rubberstamp any action proposed by Kimball Bradley, Reunion's current CEO and former COO;
  - f. Reunion is in default of its bank and bond covenants.
6. Reunion initiated this action, by verified Complaint, against Doe 1, Doe 2 and Doe 3 because the identity of denunz2005, stocker606 and pun2dex were unknown.
7. Yahoo, Inc. would only disclose the identity of the individuals using the names denunz2005, stocker606 and pun2dex in response to a subpoena.
8. Accordingly, Reunion moved this Court to issue a letter rogatory to the appropriate authority in Santa Clara County, California, the location of Yahoo's principal place of business, so that the appropriate authority could issue a subpoena to Yahoo, Inc.
9. This Court granted Reunion's motion and issued the letter rogatory on May 18, 2006. A true and correct copy of the Order granting the Motion for Issuance of Letter Rogatory and the executed Letter Rogatory are attached hereto as Exhibits "A" and "B," respectively.
10. Reunion subsequently retained California counsel and served subpoenas on Yahoo, Inc. seeking the identities of denunz2005, stocker606 and pun2dex
11. Yahoo, Inc. responded to the subpoenas by producing, for each Yahoo! Account specified, the: 1) User Profile, as produced by the Yahoo! Account Management Tool; 2) the

dates, times and Internet Protocol ("IP") addresses for log-in attempts; and 3) a listing of the dates, times and IP addresses for the messages posted.

12. The User Profile for pun2dex revealed pun2dex's true name. Reunion, therefore, knows the identity of Doe 3 a/k/a pun2dex.

13. The User Profile for denunz2005 indicated that denunz2005's name is Mr. jOJO sandell, which Reunion believes is being used as an alias to hide denunz2005's true identity. The User Profile for denunz2005 is attached hereto as Exhibit "C."

14. The User Profile for stocker606 indicated that stocker606's name is Ms. Emil Schwartz, which Reunion believes is being used as an alias to hide stocker606's true identity. The User Profile for stocker606 is attached hereto as Exhibit "D."

15. The postings of denunz2005 and stocker606 were made via their Internet Service Providers which are AOL and BellSouth Telecommunications, Inc. ("BellSouth").

16. AOL and BellSouth will only reveal the identities of the individuals using the names denunz2005 a/k/a Mr. jOJO sandell and stocker606 a/k/a Ms. Emil Schwartz in response to subpoenas.

17. AOL's principal place of business is located 22000 AOL Way, Dulles, Loudoun County, VA 20166.

18. Bell South's principal place of business is located at 575 Morosgo Drive, Fulton County, Atlanta, GA 30324.

19. To determine the identity of the individual(s) using the names denunz2005 a/k/a Mr. jOJO sandell and stocker606 a/k/a Ms. Emil Schwartz, Plaintiff needs this Court to issue letters rogatory to the appropriate authorities in Loudon County Virginia and Fulton County



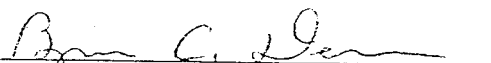
Georgia so that the appropriate authorities in those counties can issue subpoenas to AOL and BellSouth.

20. Without issuance of the letters rogatory, the subpoenas cannot be issued to AOL and BellSouth and the Plaintiff will be unable to determine the identity of denunz2005 and stocker606.

21. The administration of justice will fail without the issuance of the letters rogatory because Plaintiff will be unable to substitute the individuals that repeatedly defamed and disparaged it for the Doe Defendants named in the Complaint.

WHEREFORE, Petitioner Reunion Industries, Inc. respectfully requests this Honorable Court to execute the Letters Rogatory to the Appropriate Authorities in Loudon County Virginia and Fulton County Georgia so that the appropriate authorities in those counties can issue subpoenas to AOL and BellSouth.

DEL SOLE CAVANAUGH LLC

By: 

Stephen J. Del Sole

Pa. I.D. No. 73460

Patrick K. Cavanaugh

Pa. I.D. No. 72960

Bryan C. Devine

Pa. I.D. No. 88355

The Waterfront Building  
200 First Avenue, Suite 200  
Pittsburgh, PA 15222

*Attorneys for Plaintiff Reunion  
Industries, Inc.*

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

REUNION INDUSTRIES, INC., d/b/a CP ) CIVIL DIVISION  
INDUSTRIES, a Pennsylvania Corporation, )  
 ) No. GD 06-7965  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DOE 1 a/k/a DENUNZ2005, an adult )  
individual, DOE 2 a/k/a STOCKER606, an )  
adult individual and DOE 3 a/k/a PUN 2 DEX, )  
an adult individual, )  
 )  
Defendants. )

ORDER OF COURT GRANTING  
MOTION FOR ISSUANCE OF LETTER ROGATORY

AND NOW, this 18th day of May, 2006, upon consideration of Plaintiff's Motion for Issuance of Letter Rogatory, it is hereby ORDERED, ADJUDGED and DECREED that said Motion is GRANTED and the attached Letter Rogatory shall be executed herewith.

BY THE COURT,

*Michael J. Kelly*  
Judge

UC

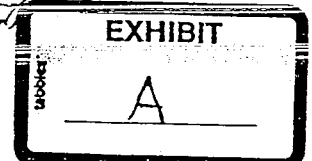
CERTIFIED FROM THE RECORD

*Michael J. Kelly*

Prothonotary

*Marilyn Joyce*

Deputy





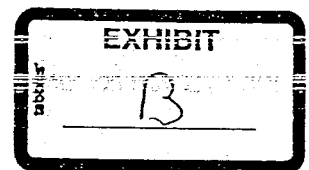
IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

REUNION INDUSTRIES, INC., d/b/a CP	)	CIVIL DIVISION
INDUSTRIES, a Pennsylvania Corporation,	)	
	)	No. GD 06-7965
Plaintiff,	)	
	)	
v.	)	
	)	
DOE 1 a/k/a DENUNZ2005, an adult	)	
individual, DOE 2 a/k/a STOCKER606, an	)	
adult individual and DOE 3 a/k/a PUN 2 DEX,	)	
an adult individual,	)	
	)	
Defendants.	)	

LETTER ROGATORY

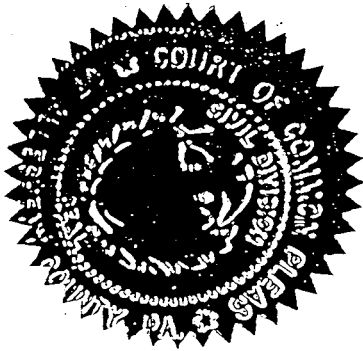
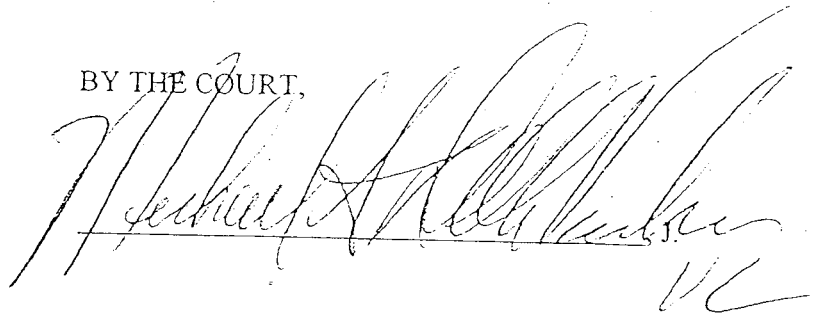
To: The Appropriate Authority in  
Santa Clara County, California

1. Plaintiff Reunion Industries, Inc. ("Reunion") instituted this action in the Court of Common Pleas of Allegheny County, Pennsylvania to recover for the defamatory and disparaging statements of Defendant Doe 1 a/k/a denunz2005, Doe 2 a/k/a stocker606 and Doe 3 a/k/a pun2dex which were posted on the Yahoo! Finance bulletin board which is part of the Yahoo! Website finance channel.
2. The identity of denunz2005, stocker606 and pun2dex is unknown.
3. Yahoo, Inc. will only disclose the identity of denunz2005, stocker606 and pun2dex pursuant to a properly issued and served subpoena.
4. Reunion has made application to the Court of Common Pleas of Allegheny County, Pennsylvania explaining that it needs to ascertain the identity of denunz2005, stocker606 and pun2dex. A true and correct copy of the Motion for Issuance of Letter Rogatory is attached hereto as Exhibit "A."



5. Having demonstrated in the Motion for Issuance of Letter Rogatory a need to obtain the identity of denunz2005, stocker606 and pun2dex to enforce its rights under Pennsylvania law, this Court has executed this Letter Rogatory and now requests the assistance of the appropriate authority in Santa Clara County, California to permit the issuance of a subpoena to Yahoo, Inc. so as to permit Reunion to obtain the identities of denunz2005, stocker606 and pun2dex so that Reunion can pursue an action against those individuals.

BY THE COURT,

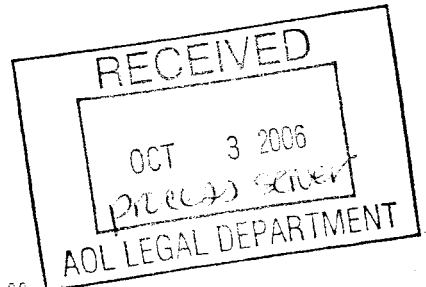


CERTIFIED FROM THE RECORD

  
Prothonotary

  
Deputy

LOUDOUN COUNTY CIRCUIT COURT - CIVIL  
18 E MARKET ST/PO BOX 550  
LEESBURG, VIRGINIA 20178  
(703) 777-0270



SUBPOENA DUCES TECUM

TO THE SHERIFF OF: SPECIAL PROCESS SERV      CASE NO. 107CL00042716-00  
OR ANY AUTHORIZED OFFICER

YOU ARE COMMANDED TO SUMMON: DOE 1; A/K/A DENUN2005; ET AL  
SERVE: AOL; LLC  
CUSTODIAN OF RECORDS  
22000 AOL WAY  
DULLES VA 20166  
(SPECIAL PROCESS SERVER)

TO PRODUCE IN THE OFFICE OF: MILES & STOCKBRIDGE  
1751 PINNACLE DR; #500  
MCLEAN VA 22102

THOSE RECORDS AS SET FORTH IN THE ATTACHED REQUEST ON OR BEFORE  
OCTOBER 27, 2006 AT      ;      .M.

THIS SUBPOENA IS ISSUED ON APPLICATION OF THE PLAINTIFF IN THE  
CASE OF REUNION INDUSTRIES; INC VS DOE 1; A/K/A DENUN2005; ET AL.

DATE ISSUED: OCTOBER 02, 2006

CLERK: GARY CLEMENS

BY: *Susan Summers*  
CLERK/DEPUTY CLERK

ATTORNEY: AARON S GOLDSMITH  
MILES & STOCKBRIDGE  
1751 PINNACLE DRIVE; #500  
MCLEAN VA 22102 703/803-9000

Ex. "3"

VIRGINIA:

IN THE CIRCUIT COURT OF LOUDOUN COUNTY

REUNION INDUSTRIES, INC. d/b/a )  
CP INDUSTRIES, a Pennsylvania Corporation, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DOE 1 a/k/a DENUNZ2005, an adult individual, )  
DOE 2 a/k/a STOCKER606, an adult individual, )  
and DOE 3 a/k/a PUN 2 DEX, an adult individual, )  
 )  
Defendants. )

Case No. 42716

PRAECIPE REQUESTIONG FOREIGN SUBPOENA DUCES TECUM

Plaintiff, Reunion Industries, Inc. d/b/a CP Industries, a Pennsylvania Corporation., by counsel, pursuant to the Uniform Foreign Depositions Act, §8.01-411 *et seq.* and the attached a triple-sealed Order of Court Granting Motion for Issuance of Letter Rogatory executed on August 31, 2006 by Judge Robert P. Horgos of the Court of Common Pleas of Allegheny County, Pennsylvania, in the matter styled as Reunion Industries, Inc., d/b/a Reunion Industries, Inc., d/b/a CP Industries, a Pennsylvania Corporation v. Doe 1 a/k/a DENUNZ2005, an adult individual, Doe 2 a/k/a STOCKER606, and adult individual and Doe 3 a/k/a PUN 2 DEX, an adult individual, NO. GD 06-7965 (with attachments including the aforementioned Letter Rogatory);

RESPECTFULLY REQUESTS, that the Clerk of the Circuit Court for Loudoun County issue a subpoena *duces tecum*:

- (i) Addressed to AOL, LLC;
- (ii) For the documents more fully described in Attachment to Subpoena *Duces Tecum* to AOL, LLC (attached hereto);

- (iii) To be produced in the offices of Miles & Stockbridge P.C., 1751 Pinnacle Drive, Suite 500, McLean, Virginia 22102-3833;
- (iv) On or before October 27, 2006.

Respectfully submitted,

Reunion Industries, Inc.  
d/b/a CP Industries

By Counsel

MILES & STOCKBRIDGE P.C.

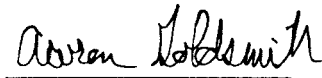


Aaron S. Goldsmith, VSB# 45405  
1751 Pinnacle Drive, Suite 500  
McLean, Virginia 22102-3833  
(703) 903-9000  
Facsimile (703) 610-8686  
Counsel for Reunion Industries, Inc. d/b/a CP Industries

CERTIFICATE OF SERVICE

I hereby certify that on the 28<sup>th</sup> day of September, 2006, I caused a copy of the foregoing to be served by U.S. Mail, postage prepaid, to:

AOL Custodian of Records  
22000 AOL Way  
Dulles, Virginia 20166



Aaron S. Goldsmith



**ATTACHMENT TO**  
**SUBPOENA DUCES TECUM TO AOL, LLC**

(1) Any and all documents which contain, evidence, demonstrate or reflect the name, address, telephone number, social security number, date of birth and any other identifying information referencing or relating to the identity of the Yahoo! Finance message board poster and America Online ("AOL") account holder known as denunz2005, whose Internet Service Provider has been identified as AOL and who has an e-mail address of [denunz@aol.com](mailto:denunz@aol.com) and who made various posts on the Yahoo! Finance message board that are subject to a commercial disparagement action with the following AOL Internet Protocol Address:

- [64.12.116.6](#) on March 1, 2006 at 3:25 pm EDT

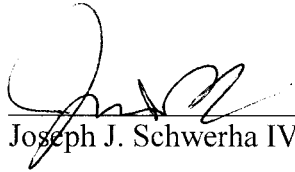
(2) Any and all documents which contain, evidence, demonstrate or reflect the name, address, telephone number, social security number, date of birth and any other identifying information referencing or relating to the identity of the Yahoo! Finance message board poster and America Online ("AOL") account holder known as stocker606, whose Internet Service Provider has been identified as AOL and who made various posts on the Yahoo! Finance message board that are subject to a commercial disparagement action with the following AOL Internet Protocol Address:

- [64.12.116.6](#) on February 7, 2006 at 9:09 EDT

**CERTIFICATE OF SERVICE**

I, John Schwerha, HEREBY CERTIFY that on this 25 day of October, 2006, a copy of the foregoing Motion To Revoke Letter Rogatory (Quash Subpoena), Or Alternatively, Objections To Subpoenas Pursuant To Rule 4009.21, And Motion For Protective Order was sent via first class mail to:

Stephen J. Del Sole, Esquire  
Del Sole Cavanaugh, LLC  
The Waterfront Building  
200 First Avenue, Ste 200  
Pittsburgh, PA 15222

  
\_\_\_\_\_  
Joseph J. Schwerha IV

10/25/06  
Date