

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARD DRIVE PRODUCTIONS, INC.,

Plaintiff,

CIV. NO. S-11-3476 MCE CKD

vs.

JOHN DOE,

Defendant.

ORDER

On January 17, 2012, this court granted plaintiff's ex parte application for leave to take expedited discovery. Plaintiff was permitted to serve Rule 45 subpoenas on specified internet service providers ("ISPs") to obtain contact information regarding certain subscribers. The ISPs, in turn, were ordered to serve a copy of the subpoena and court order on the relevant subscribers. The court further ordered that:

The subscribers and the ISPs shall each have 30 days from the respective dates of service upon them to file any motions contesting the subpoena (including a motion to quash or modify the subpoena). If that period elapses without the filing of a contesting motion, the ISPs shall have ten (10) days thereafter to produce the information responsive to the subpoena to plaintiff.

(See Dkt. No. 9.)

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1 Subsequently, one of the subscribers, who identified himself as "John Doe," filed
2 objections to a Rule 45 subpoena issued pursuant to this court's expedited discovery order and
3 served on one of the ISPs, Charter Communications, Inc. (See Letter dated March 10, 2012.)
4 Even if this court were to construe the objections as a motion to quash or modify the subpoena, it
5 appears that the subpoena was issued out of the United States District Court for the Northern
6 District of Illinois. Accordingly, any motion to quash or modify the subpoena must be filed in
7 that court, in accordance with its local rules and the Federal Rules of Civil Procedure.¹

8 Accordingly, IT IS HEREBY ORDERED THAT:

9 1. Third party John Doe's objections, construed as a purported motion to quash
10 the subpoena, are denied without prejudice.

11 2. The Clerk shall serve a copy of this order on John Doe and Charter
12 Communications, Inc. at the addresses listed in the papers accompanying John Doe's objections.

13 Dated: April 3, 2012

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15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

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18 HardDrive2.3476.subp.obj.wpd

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25 ¹ For further information, please contact the Clerk's Office of the United States District
26 Court for the Northern District of Illinois at (312) 435-5670. See
<http://www.ilnd.uscourts.gov/home/ClerksOffice.aspx>.