

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CASE NO. 2:12-cv-00109-JES-DNF

Civil

12-7956
(CCC)

12/26/12
NU IMAGE, INC.,

Plaintiff,

v.

DOES 1-2,515,

Defendants.

MOTION TO QUASH SUBPOENA

The individual allegedly identified by Comcast Communications ("Comcast") as a Comcast customer having the IP address 174.61.13.198 on 01/26/2012 at 12:42:09 PM UTC (the "Individual") respectfully moves, pursuant to Fed. R. Civ. P. 45(c)(3), to quash the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action issued by Plaintiff, NU IMAGE, INC., to Comcast with regard to the Individual (the "Subpoena"), as the Subpoena requires disclosure or privileged or otherwise protected information for which no exception or waiver applies, to wit, the name, current (and permanent) addresses, telephone numbers, e-mail addresses, and Media Access Control addresses of the Individual. Despite being identified by Comcast as the Comcast customer having the IP address 174.61.13.198 on 01/26/2012 at 12:42:09 PM UTC, the Individual has never had internet access with Comcast nor owned or operated a computer. The Individual, who is elderly, lives in a condominium development for which Comcast provides services to all condominium owners, and the IP address was likely assigned by Comcast to another Comcast customer in the condominium development. Undersigned counsel has requested that Comcast provide him with

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the information that Comcast used to identify the Individual, but Comcast has failed to provide such information to the Individual's counsel.


WHEREFORE, the individual allegedly identified by Comcast Communications ("Comcast") as a Comcast customer having the IP address 174.61.13.198 on 01/26/2012 at 12:42:09 PM UTC respectfully requests that the Court enter an Order pursuant to Fed. R. Civ. P. 45(c)(3) to quash the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action issued by Plaintiff, NU IMAGE, INC., to Comcast with regard to the Individual (the "Subpoena"), to award the Individual the Individual's reasonable attorney's fees and costs related to the Subpoena, and for such other relief as is just and proper.

Dated: December 20, 2012


Respectfully submitted,

DUNWODY WHITE & LANDON, P.A.
*Attorneys for Individual allegedly identified by
Comcast Communications as a Comcast customer
having the IP address 174.61.13.198 on 01/26/2012
at 12:42:09 PM UTC*
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(305) 529-1500
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By: _____



Jeremy P. Leathe, Esq.
Florida Bar No. 983268



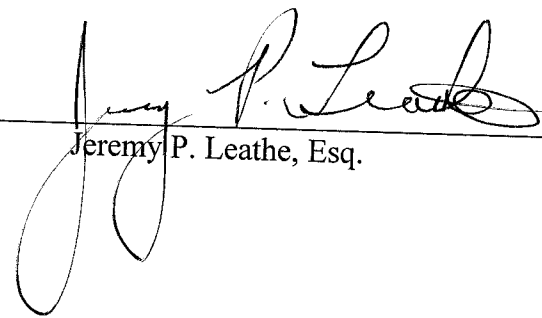
CERTIFICATE OF SERVICE

I certify that I have caused to be served a copy hereof on:

Jeffrey W. Weaver, Esq.
DUNLAP WEAVER
Attorneys for Plaintiff
199 Liberty Street SW
Leesburg, VA 20175

Comcast Legal Response Team
NE&TO
650 Centerton Road
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by mail on this 20th day of December, 2012.



Jeremy P. Leathe, Esq.