## DOE 4UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS

MALIBU MEDIA LLC,	)	Case No. 1:12-cv-01189
Plaintiff,	) ) )	
VS.	) )	SEP <b>2 1</b> 2012
DOES 1 - 7,  Defendants.	) ) )	CLERK OF THE COURT U.S. DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS URBANA, ILLINOIS

## MOTION TO QUASH SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS, OR TO PERMIT INSPECTION OF PREMISE IN A CIVIL ACTION

NOW COMES Defendant, DOE 4, moves to quash the issuance of a subpoena allowing Comcast to supply the information requested in the above captioned case as set forth in the Order dated August 1, 2012 issued by United States Magistrate Judge John A. Gorman. Defendant, DOE 4, or in the alternate requests the Court quash the release of certain information and in support states as follows;

- 1. The Order authorizes the release of the Defendant's email address and telephone number, neither of which are necessary for the Plaintiff to identify the Defendant or accomplish other purposes authorized by law based on the statements in the request for Subpoena and the current status of the case.
- 2. The disclosure of DOE 4's email address and telephone number would unduly interfere with the Defendant's reasonable expectations of privacy without unduly burdening the Plaintiff at this time
- 3. The Defendant further objects to the issuance in general of a Subpoena for the information sought by Plaintiff based on information and belief that the release of such information will not lead to sufficiently reliable evidence warranting the Defendant to be named in the underlying lawsuit for the reasons set forth in the Order and Report set forth in the attached order entered by United States Magistrate Gary R. Brown in In Re: Bittorrent Adult Film Copyright Infringement Cases, May 1, 2012 a copy of which is attached.

WHEREFORE, Defendant, DOE 4, prays the Court quash the Subpoena previously issued or not allow Comcast to disclose the Defendant's email address and telephone number or deny the Subpoena in its entirety.

Respectfully submitted, Defendant, DOE 4

DOE 4

I, Defendant, DOE 4, state that the above information is true to the best of my knowledge, information and belief.

DOE 4

## **CERTIFICATE OF SERVICE**

I, John DOE 4, hereby certify that I served a true and correct copy of the foregoing on the Plaintiff in this case by placing it in an envelope, properly addressed, and sealed, with proper postage affixed, to the plaintiff's attorney, Law Offices of Nicoletti & Associates, LLC, 36880 Woodward Avenue, Suite 100, Bloomfield Hiss MI 48304 and Comcast Legal Response Center, NE&TO, 650 Centerton Road, Moorestown, NJ 08057, and placed into a U.S. Mail box or facility on the 2157 day of 500 Centerton Road.

Due 4

STATE OF ILLINOIS

SS.

COUNTY OF CHAMPAIGN

Subscribed and sworn to before me this

day of September 2012

Notary Public

OFFICIAL SEAL
BECKEE BACHMAN
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 10-9-2015

DOE 4 c/o SLS, 324 Illini Union MC-384 1401 West Green St. Urbana, IL 61801 217-333-9053 217-333-0474 (fax)