

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MALIBU MEDIA LLC,

Plaintiff,

Case No. 12-cv-12598

vs.

HON. GERSHWIN A. DRAIN

JOHN DOES 1-28,

Defendants.

**ORDER FINDING OCTOBER 31, 2012 REPORT AND RECOMMENDATION [#17]  
MOOT, JOHN DOE 25'S MOTION TO QUASH [#5] MOOT AND JOHN DOE 18'S  
MOTION TO QUASH SUBPOENA AND/OR SEVER [#11] MOOT**

This case is one among many cases filed nationwide by copyright owners alleging that John Doe defendants downloaded their films without authorization using a peer-to-peer ("P2P") file sharing network known as BitTorrent. On June 29, 2012, this Court granted Plaintiff's Motion for Leave to Serve Third Party Subpoenas Prior to Rule 26(f) Conference so that Plaintiff could subpoena the third party service providers to ascertain the name, mailing address, and telephone number associated with the 28 internet protocol addresses. Thereafter, John Doe 25 filed a Motion to Dismiss/Sever and for a Protective Order and/or to Quash the Subpoena and John Doe 18 similarly filed a Motion to Sever Doe Defendants 2-28 and to Quash Subpoena and/or Dismiss. The motions were referred to Magistrate Judge Laurie J. Michelson for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(A) and 28 U.S.C. § 636(b)(1)(B).

The magistrate judge issued a Report and Recommendation on October 31, 2012. Thereafter, on March 11, 2013, Plaintiff filed a Notice of Voluntary Dismissal indicating that it voluntarily dismisses John Does 1, 2, 3, 4, 5, 6, 18, 25, 27 & 28 only.

Accordingly, because John Does 18 and 25 have been dismissed from this action, the Report

and Recommendation is MOOT.

John Doe 18's Motion to Sever Doe Defendants 2-28 and to Quash Subpoena and/or Dismiss [#11] is MOOT.

John Doe 25's Motion to Dismiss/Sever and for a Protective Order and/or to Quash the Subpoena [#5] is MOOT.

The John Doe Defendants remaining in this action are therefore John Does 7 through 17, 19-22, 24 and 26.<sup>1</sup>

SO ORDERED.

/s/ Gershwin A. Drain  
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GERSHWIN A. DRAIN  
UNITED STATES DISTRICT JUDGE

Dated: March 15, 2013

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and on March 13, 2013, by electronic and/or ordinary mail.

/s/ Tanya Bankston  
Deputy Clerk

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<sup>1</sup> Plaintiff voluntarily dismissed John Doe 23 on August 22, 2012. *See* Dkt. No. 4.