

Patrick J. Cerillo, Esq.  
Patrick J. Cerillo, LLC  
4 Walter Foran Blvd., Suite 402  
Flemington, NJ 08822  
T: (908) 284-0997  
F: (908) 284-0915  
[pjcerillolaw@comcast.net](mailto:pjcerillolaw@comcast.net)  
*Attorneys for Plaintiff*

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOES 1-22,

Defendants.

Civil Action No. 3:12-cv-03898-MAS-LHG

**PLAINTIFF'S MEMORANDUM IN OPPOSITION TO JOHN DOE'S MOTION TO  
QUASH THE SUBPOENA AND FOR LEAVE TO PROCEED ANONYMOUSLY**

Plaintiff respectfully requests the Court deny John Doe's Motion. John Doe is not a defendant or a party to this case and is an interloper. John Doe lacks standing and his motion should be stricken.

John Doe's motion states, "it should be noted that the Complaint was filed in Pennsylvania and the Subpoena was issued in the Northern District of Texas. However, there is no Docket number in the Northern District of Texas yet regarding this matter." John Doe is a defendant in a law suit brought by Plaintiff in the Eastern District of Pennsylvania. See *Malibu Media v. John Does 1-22*, 5:12-cv-02088-MMB, Complaint Ex. A (E.D. Pa. April 19, 2012). If his intention was to move to quash the subpoena Plaintiff issued on Comcast Corporation out of the Eastern District of Pennsylvania, the proper procedure would be for John Doe to open a case

for miscellaneous relief. Filing his motion in this case, however, is procedurally improper, and this defendant lacks standing for any of the relief requested. “[A] litigant normally must assert an injury that is peculiar to himself or to a distinct group of which he is a part.” Gladstone Realtors v. Vill. of Bellwood, 441 U.S. 91, 100, 99 S. Ct. 1601, 1608, 60 L. Ed. 2d 66 (1979).

Here, it appears the John Doe filed a motion incorrectly in a similar stylized case. The Court has not yet ruled on Plaintiff’s motion for leave and a subpoena has not been issued. Because John Doe has not been directly affected by any of the proceedings in this case, the Court is unable to grant him the relief he requests. Should the Court, for any reason disagree, and would like to address John Doe’s motion on the merits, Plaintiff will file a substantive response.

For the foregoing reasons, Plaintiff respectfully requests the Court deny the subject motion.

DATED this 3<sup>rd</sup> day of August, 2012

Respectfully submitted,

By: /s/ Patrick J. Cerillo  
Patrick J. Cerillo, Esq.  
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Flemington, NJ 08822  
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F: (908) 284-0915  
pjcerillolaw@comcast.net  
*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 3<sup>rd</sup>, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Patrick J. Cerillo  
Patrick J. Cerillo, Esq.