

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

PATRICK COLLINS, INC.

**FILED**  
2011 JUL -1 A 9 31  
RICHARD W. WIEK  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
**MOTION TO QUASH SUBPOENA  
AND VACATE ORDER  
FOR LEAVE TO TAKE  
LIMITED DISCOVERY**

-against-

CIVIL ACTION NO.  
CV-10-04468-LB

✓ JOHN DOES 1 – 1219,

Defendants.

Lewis O'Hare  
One of the alleged John Doe Defendants 1-1219  
2519 Highbridge Road  
Weedsport, NY 13166-9611  
(315) 834-6092

**MOTION TO QUASH AND VACATE SUBPOENA AND  
VACATE ORDER FOR LEAVE TO TAKE LIMITED DISCOVERY**

Lewis O'Hare, alleged to be one of the JOHN DOES 1-1219 (Defendant), for his Motion, states as follows:

1. Plaintiff Impermissibly Attempts to Circumvent Procedural Protections with an Un-certifiable Class, as Federal Courts disapprove of Mass Joinder of Defendants in Copyright Infringement Cases. See Tilley v. TJX Inc., 345 F.3<sup>rd</sup> 34, 42-43 (1<sup>st</sup> Circuit 2003).

2. Plaintiff has not established that the Court has Personal Jurisdiction over him based on the domicile of the alleged and various John Doe Defendants. See United States v. Henderson, 209 Fed Appx. 401, 402 (5<sup>th</sup> Cir. 2006).

Copyright Infringement Cases. See Tilley v. TJX Inc., 345 F.3<sup>rd</sup> 34, 42-43 (1<sup>st</sup> Circuit 2003).

2. Plaintiff has not established that the Court has Personal Jurisdiction over him based on the domicile of the alleged and various John Doe Defendants. See United States v. Henderson, 209 Fed Appx. 401, 402 (5<sup>th</sup> Cir. 2006).

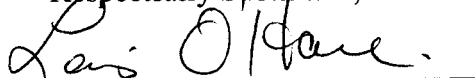
3. Plaintiff has not met the 1<sup>st</sup> Amendment test for unmasking Anonymous Speakers. See Sony Music Entm't Inc. v. Does 1-40, 326 F. Supp. 2<sup>nd</sup> 556, 564 (S.D.N.Y. 2004).

4. Plaintiff has designed this lawsuit to deprive Defendant of adequate representation and in a venue and jurisdiction that is improper. Int'l Shoe Co. v. Washington, 326 U.S. 310, 316 (1945) and uBID Inc. v. The GoDaddy Grp Inc., 623 F.3<sup>rd</sup> 423 (7<sup>th</sup> Cir. 2010).

**WHEREFORE**, Lewis O'Hare respectfully requests that the Court vacate its Order dated December 28, 2010 on Plaintiff's ex parte Application For Leave To Take Limited Discovery [ECF No. 6], quash any outstanding subpoenas already issued by the Plaintiff, and require Plaintiff to immediately notify their recipients that the subpoenas have been quashed, and further requests that the Court allow movant to proceed anonymously so that the identity of movant will not be disclosed to the plaintiff unless and until the subpoena is allowed, together with such other, further and different relief the Court may deem just, proper and equitable.

Dated: June 29, 2011

Respectfully Submitted,



LEWIS O'HARE