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UNITED STATES DISTRICT COURT
For the Northern District of California

UNITED STATES DISTRICT COURT
Northern District of California

PATRICK COLLINS, INC.,

Plaintiff,

v.

DOES 1-2,590,

Defendants.

No. C 11-2766 MEJ

**ORDER DENYING MOTION TO
QUASH (DOE DEFENDANT NO. 2590)**

Docket No. 22

On June 7, 2011, Plaintiff Patrick Collins, Inc. filed this lawsuit against 2,590 Doe Defendants, alleging that Defendants illegally reproduced and distributed a work subject to Plaintiff’s exclusive license, (“*Real Female Orgasms 10*”), using an internet peer-to-peer file sharing network known as BitTorrent, thereby violating the Copyright Act, 17 U.S.C. § 101-1322. Compl. ¶¶ 6-15, Dkt. No. 1. On September 22, 2011, the Court granted Plaintiff’s Application for Leave to Take Limited Expedited Discovery. Dkt. No. 12. The Court permitted Plaintiff to serve subpoenas on Does 1-2,590’s Internet Service Providers (“ISPs”) by serving a Federal Rule of Civil Procedure 45 subpoena that seeks information sufficient to identify the Doe Defendants, including the name, address, telephone number, and email address of Does 1-2,590. *Id.* at 11. Once the ISPs provided Does 1-2,590 with a copy of the subpoena, the Court permitted Does 1-2,590 30 days from the date of service to file any motions contesting the subpoena (including a motion to quash or modify the subpoena). *Id.*

Now before the Court is a Motion to Quash/Dismiss, filed by Doe Defendant No. 2590. Dkt. No. 22. Pursuant to Rule 45(c)(3), if a subpoena would cause undue burden to Defendant or requires

1 the disclosure of privileged or other protected matter, it must be quashed. The subpoena, however,
2 does not require any obligation from Defendant; rather, it was directed at the putative defendants'
3 ISPs. As such, there is no undue burden. Further, as the subpoena seeks unprivileged contact
4 information for the purpose of identifying Doe Defendants, the Court finds the subpoena necessary
5 for Plaintiff to prosecute its case. Further, Plaintiff raises valid concerns in its response to the
6 present motion, including the conflicting IP Addresses and ISPs named in the motion. Accordingly,
7 Defendant's motion is denied.

8 **IT IS SO ORDERED.**

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10 Dated: November 18, 2011

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13 Maria-Elena James
14 Chief United States Magistrate Judge
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