

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:11CV394-FDW-DSC**

PATRICK COLLINS, INC.,)	
)	
Plaintiff,)	
)	
v.)	<u>MEMORANDUM AND ORDER</u>
)	
JOHN DOES 1-26,)	
)	
Defendants.)	
<hr/>)	

THIS MATTER is before the Court on Defendant John Doe #2’s “Motion to Sever from Improper Joinder and Quash or Modify Subpoena,” Doc. 11, filed October 11, 2011 and “Plaintiff’s Memorandum in Opposition to Doe 2’s Motion to Quash or Modify Subpoena,” Doc. 15, filed October 24, 2011. Defendant has not filed a reply in support of his Motion and the time for filing a reply brief has expired . The objection to subpoena filed by John Doe #8, Doc. 8, on September 13, 2011 and the objection to subpoena filed by Charles Haden, Doc. 9, on September 26, 2011 are also before the Court.

This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B), and these Motions are now ripe for the Court’s consideration.

Plaintiff filed this collective action on August 15, 2011 alleging that Doe Defendants 1-26 are jointly and severally liable for copyright infringement because they used BitTorrent client software to illegally download or upload the adult film, “Cuties 2.”

On August 17, 2011, this Court granted Plaintiff’s Motion for Leave to Serve Third Party Subpoenas Prior to a Rule 26(f) Conference, Doc. 6.

On September 13, 2011, John Doe #8 filed the objection to subpoena, Doc. 8. On September

26, 2011, Charles Haden filed the objection to subpoena, Doc. 9. On October 11, John Doe #2 filed “Motion to Sever from Improper Joinder and Quash or Modify Subpoena,” Doc. 11.

Having carefully reviewed the pleadings, record, and applicable authority, and for the reasons stated in “Plaintiff’s Memorandum in Opposition to Doe 2’s Motion to Quash or Modify Subpoena,” Doc. 15, Defendant’s “Motion to Sever from Improper Joinder and Quash or Modify Subpoena,” Doc. 11, is **DENIED**.

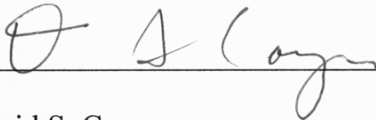
Additionally, the objection to subpoena by John Doe #8, Doc. 8, is **DENIED**. Plaintiff is entitled to compel production of Defendant’s identity in order to name him as a party in this action and obtain service of process upon him.

Additionally, for the reasons stated in “Plaintiff’s Memorandum Explaining Why Discovery is Proper Even When a Subscriber Claims He or She was Not There at the Time of a Recorded Infringement,” Doc. 12, the objection to subpoena by Charles Haden, Doc. 9 is **DENIED**.

The Clerk is directed to send copies of this Memorandum and Order to counsel for the parties; and to the Honorable Frank D. Whitney.

SO ORDERED.

Signed: November 17, 2011



David S. Cayer
United States Magistrate Judge

