

FILED  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

2012 APR 19 P 4:48

THIRD DEGREE FILMS, INC )  
Plaintiff )  
)  
)  
)  
v. )  
)  
DOES I-80 )  
Defendant )

Civil Action No. 1:12-cv-10535

MOTION TO QUASH

Defendant Doe #57 moves for an order quashing the subpoena served upon Comcast Cable Communications as it pertains to Doe #57, on the ground that:

- (1) the subpoena fails to state the court from which the subpoena has issued, and the court in which it is pending, in violation of Rule 45(a)(1)(A), Federal Rules of Civil Procedure, and therefore is defective on its face, and fails to establish jurisdiction over Comcast or the Doe Defendants;
- (2) even if it is construed as issuing from the U.S.D.C. for the State of New Jersey it must be quashed under Rule 45 (c ) (3)(A)(ii), because it requires the Custodian of Records of Comcast, located in Moorestown, New Jersey, to produce documents at the office of Plaintiff's counsel in Allentown, NJ which is more than 150 miles away;
- (3) must be quashed under Rule 45 (c )(3)(A)(ii) because it subjects Doe Defendant #57, apparently an identified customer of Comcast, to undue burden, in that his name will be revealed to Plaintiff, resulting in the

invasion of Defendant's privacy, and causing Defendant, a private person, to have to defend herself in an action far from her home.

- (4) This motion is based upon Rule 45(c)(3) and the following points and authorities.

Doe # 57

**Defendant Doe #57**

**CERTIFIED OF SERVICE**

I hereby certify that on April \_ , 2012, I served a copy of the foregoing document, via U.S. Mail on:

Law Office of Marvin Cable c/o BRS  
125 Route 526  
Allentown, NJ 08501-2016

*Doe # 57*