

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

THIRD DEGREE FILMS, INC.,

Plaintiff,

v.

DOES 1-47,

Defendants.

CASE No. 12-cv-10761-WGT

MOTION TO QUASH

FILED
IN CLERK'S OFFICE

2012 JUN 18 P 1:51

COURT

DEFENDANT DOE NO. 44'S MOTION TO QUASH

Pursuant to Fed. R. Civ. P. 45 (3), Defendant Doe No.44, having Internet Protocol Address 96.252.91.170, moves for an order quashing the subpoena served upon Verizon Internet Services as it pertains to Doe No.44, on the grounds that:

(1) The subpoena, which is attached hereto as Exhibit A, is invalid and in violation of Rule 45(a)(1)(A), Federal Rules of Civil Procedure because it requires the Custodian of Records of Verizon Internet Services, located in San Angelo, Texas, to produce documents at the office of Plaintiff's counsel in Irving, Texas which is more than 150 miles away. Therefore, it is defective on its face, and fails to establish jurisdiction over Verizon Internet Services or the Defendant Doe No. 44.

(2) Even if the subpoena is valid, it should be quashed under Rule 45(c)(3)(A)(ii) because it subjects Defendant Doe No. 44, apparently an identified customer of Verizon Internet Services, 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 himself in a costly federal action involving an obscene movie entitled, "Milf Wars: Lisa Ann Vs Julia Ann" merely because he is a subscriber of internet services from Verizon, and not because of any particularized showing that Defendant Doe No. 44 actually copied, distributed, or otherwise

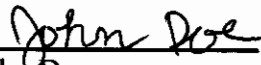
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illicitly used the movie. Importantly, Defendant Doe No. 44 represents that he personally did not copy, download, or otherwise use the movie entitled, "Milf Wars: Lisa Ann Vs Julia Ann" and would therefore not be a properly named defendant.

(3) This motion is based upon Rule 45(c)(3) and the accompanying Memorandum of Law.

Wherefore, Defendant Doe No.44, having Internet Protocol Address 96.252.91.170, moves for an order quashing the subpoena.

Dated: 06/15/2012

Respectfully submitted,



John Doe
Pro se

jacamp112@gmail.com

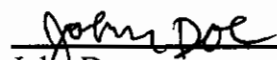
CERTIFICATE OF SERVICE

I hereby certify that on 06/15/2012, I served a copy of the foregoing document, via US Mail, on:

Marvin Cable
Law Offices of Marvin Cable
73 Bridge Street Suite#6
Northhampton, MA 01060

Dated: 06/15/2012

Respectfully submitted,


John Doe
Pro se

jacamp112@gmail.com