

United States District Court
For the Northern District of California

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

HARD DRIVE PRODUCTIONS,
Plaintiffs,
v.
DOES 1-53,
Defendants.

No. 3:11-CV-02330 EDL

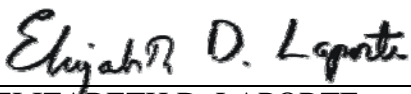
**AMENDED ORDER DENYING MOTION
TO QUASH OR MODIFY SUBPOENA
WITHOUT PREJUDICE (Docket # 26)**

Plaintiff Hard Drive Productions, which produces, markets and distributes adult entertainment products, has filed a lawsuit against 53 Doe defendants alleging copyright infringement. On August 3, 2011, the Court granted Plaintiff’s Revised Ex Parte Application to Take Expedited Discovery. On October 14, 2011, Doe defendant (“Movant”), associated with Internet Protocol (“IP”) address 68.99.178.9, filed this Motion to Quash an outstanding subpoena issued to Movant’s Internet Service provider (“ISP”), Cox Communications. In response to the Court’s Order filed November 16, 2011, Plaintiff submitted a declaration attaching a copy of the subpoena at issue. That subpoena, dated August 5, 2011, was issued to Cox Communications out of the Northern District of Georgia. Doc. no. 36, Ex. A.

Under Federal Rules of Civil Procedure 45(c)(3), a court has no authority to quash a subpoena that was issued by a court in another district. See Fed. R. Civ. P. 45(c)(3)(A); SEC v. CMKM Diamonds, Inc., 2011 U.S. App. LEXIS 17833, *7-8 (9th Cir. Aug. 26, 2011) (“On the basis of the clear language of *Rule 45*, we must hold that the court that issued the subpoena, and not the court where the underlying action is pending, can entertain a motion to quash or modify a subpoena”) (emphasis added). Here, the Northern District of Georgia issued the subpoena at issue in

1 this Motion. See Doc. no. 36, Ex. A. Because Movant failed to bring the Motion before the court
2 that issued the subpoena, this Court lacks the authority to quash the subpoena. Thus, Movant's
3 Motion to Quash is denied without prejudice.

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6 Dated: November 21, 2011



ELIZABETH D. LAPORTE
United States Magistrate Judge

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