

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

LIBERTY MEDIA HOLDINGS, LLC

Plaintiff

v.

Civil Action No. 11-cv-10802-WGY

SWARM SHARING HASH FILE
AE340D0560129AFEE8D78CEO7F2394C7B
5BC9C05; AND DOES 1 through 38,

Defendants

**DEFENDANT’S SECOND EMERGENCY MOTION FOR
STAY OF DEPOSITION**

Jeffrey Menard, a/k/a “Doe 15,” previously appearing as Deponent and now appearing as “Defendant,” hereby files this motion for a stay of deposition, pending resolution of the accompanying Defendant’s Second Emergency Motion for Protective Order.

Plaintiff is attempting to serve a subpoena on Defendant so as to depose Defendant, and demanding that Defendant produce certain documents at said deposition.

Defendant opposes participating in a deposition prior to being properly served with a complaint, completion of mandatory automatic discovery, and the holding of a Rule 26 conference.

Plaintiff is on a fishing expedition, and intends to troll through Defendant’s private affairs, in violation of the Rules of Civil Procedure and contrary to the Court’s

Electronic Order of October 20, 2011, that granted Deponent's Motion for a Protective Order.

Defendant files contemporaneously with this Motion a Second Motion for Protective Order, incorporated by reference, outlining reasons why Defendant should not be subjected to a deposition at this time.

WHEREFORE, Defendant respectfully requests that this Court:

1. issue an Order dismissing all claims against Defendant;
2. issue an Order vacating the Order Granting Plaintiff's Emergency Ex Parte Motion for Early Discovery that was issued on May 10, 2011, as it applies to Defendant, and quashing any subpoena by which Plaintiff seeks to depose Defendant;
3. issue an Order granting a protective order denying the requested discovery and staying all such discovery until such time as Defendant has been properly served with a complaint, mandatory automatic discovery is complete, and a Rule 26 conference has been completed;
4. award to Defendant his costs and attorneys' fees for the effort of bringing this Motion opposing the deposition, such amounts to be determined upon submission of an affidavit by Defendant's counsel;
5. award any other relief the Court deems just and proper.

[signature on following page]

Northampton, Massachusetts
January 26, 2012



Peter Irvine
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CERTIFICATE OF SERVICE

I hereby certify that the attached Motion, together with all documentary exhibits, filed through the ECF system was sent electronically to the registered participants as identified on the Notice of Electronic Filing at the time of filing.

CERTIFICATION RE LOCAL RULE 7.1

I hereby certify that I conferred with plaintiff's counsel on the subject of this Motion and attempted in good faith to resolve or narrow the issue.



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