

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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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

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**DEFENDANT'S SECOND EMERGENCY MOTION  
FOR PROTECTIVE ORDER**

Jeffrey Menard, a/k/a "Doe 15," previously appearing as Deponent and now appearing as "Defendant," hereby files this motion for a protective order, pursuant to FRCP 26(c), forbidding the Plaintiff to take the deposition of Defendant at this time, or, in the alternative, limiting the scope of said deposition.

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.

To the extent that the Court's Order (*Order Granting Plaintiff's Emergency Ex-Parte Motion for Early Discovery*, ECF No. 11)(the "Order") allows limited discovery to ascertain identification, Defendant's identity has been known to Plaintiff for many months, so further such limited discovery is not necessary.

In the alternative, Defendant moves for a protective order to limit the scope of a deposition to comply with the Order, while restricting inquiry into non-relevant or unduly burdensome areas.

WHEREFORE, Defendant respectfully requests that this Court:

1. grant Defendant's Motion;
2. issue an Order dismissing all claims against Defendant;
3. 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 the subpoena by which Plaintiff seeks to depose Defendant;
4. 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;
5. award to Defendant his costs and attorneys' fees for the effort of bringing this Motion and opposing the deposition, such amounts to be determined upon submission of an affidavit by Defendant's counsel;

6. in the alternative, issue a Protective Order limiting discovery to  
“identification of the proper defendant,” and sustaining Defendant’s  
objections noted in the accompanying Memorandum; and
7. award any other relief the Court deems just and proper.

Northampton, Massachusetts  
January 26, 2012



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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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