

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LIBERTY MEDIA HOLDINGS, LLC	:	
d/b/a CORBIN FISHER	:	
Plaintiff,	:	Civil Action No. 1:11cv239
	:	
v.	:	Judge Michael R. Barrett
	:	
SWARM OF NOVEMBER 15 to DECEMBER 4, 2010,	:	
SHARING HASH FILE	:	
AE340D0560129AFEE8D78CE07F2394C7B5BC9C05;	:	
AND DOES 1 through 20;	:	
Defendants.	:	

DEFENDANT JOHN DOE #15’S MOTION TO QUASH SUBPOENA

NOW COMES Defendant John Doe #15, by and through counsel, and hereby files the following Motion to Quash Subpoena issued to Wide Open West as set forth in the Memorandum in Support attached hereto.

Respectfully submitted,

MILLS LAW OFFICE

/s/ Luther J. Mills

Luther J. Mills, Esq.
Ohio Sup Ct. Reg. No. 0041451
Attorney for Defendant
61 North Sandusky Street, 2nd Floor
Delaware, Ohio 43015
Telephone: (740) 363-7761
Facsimile: (740) 363-0532
Mills Law Office File No.

MEMORANDUM IN SUPPORT

On or about May 18, 2011, Defendant John Doe #15 (hereinafter referred to as “Defendant”) received a letter from Wide Open West (hereinafter referred to as “WOW”) indicating it had received a subpoena to divulge certain information regarding Defendant. Defendant contends that the subpoena must be quashed as it is overbroad.

Defendant contends that this subpoena is overbroad as it requests information that is unnecessary for Plaintiff to effect service. As explained in the Court’s “Order Granting Plaintiff’s Motion for Early Discovery” (Docket #4) filed in the instant case, Plaintiff intends its early discovery be “for the limited purpose of identifying these Doe Defendants.” However, the subpoena received by WOW and sent to Defendant requests “any and all information, documents, and/or customer records (including not limited to names, phone numbers, mailing/billing address, email address, and similar information) sufficient to personally identify the user(s) of the IP addresses on the corresponding dates and times as listed in Attachment “A” hereto.” Plaintiff has gone beyond the limited purpose of identifying the Does by asking for “any and all information” as well as “phone numbers . . . email address, and similar information.” In order to comply with the Court order, WOW may provide more information than is necessary for Plaintiff to effect service. In order to effect service, all Plaintiff needs is Defendant’s name and address. The subpoena in the instant case does not have the narrow scope of the information sought. A narrow scope would be Plaintiff requesting just the names and addresses used to identify the user of the IP addresses on the date and time listed. Plaintiff requests significantly more information and therefore, this subpoena is overbroad.

Further, the subpoena received by WOW is overbroad in that there is no proof that the person whose information Plaintiff receives acted in anyway to violate any copyright law. At most, Plaintiff may be able to implicate a computer rather than a person.

Finally, the nature of the copyrighted material, which is pornography, may not be the subject to the protection of copyright laws.

WHEREFORE, Defendant John Doe #15 respectfully prays the Court to SUSTAIN Defendant's Motion to Quash Plaintiff's Subpoena to Wide Open West or in the alternative, set this motion for hearing prior to execution of the subpoena. Finally, Defendant respectfully prays the Court to grant Defendant such other relief as is just and equitable under the facts and circumstances of this cause.

Respectfully submitted,

MILLS LAW OFFICE

/s/ Luther J. Mills

Luther J. Mills (Ohio Sup. Ct. Reg. No. 0041451)

Attorney for Defendant John Doe #15

61 N. Sandusky St

Delaware, Ohio 43015

Telephone: (740) 363-7761

Facsimile: (740) 363-0532

Mills Law Office File No. 25392/ee

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Appearance was served upon the party or parties listed below by ordinary U.S. Mail, postage prepaid and/or facsimile transmission, on the **3rd day of June, 2011**.

/s/ Luther J. Mills

Luther J. Mills, Esq.

SERVICE LIST:

VIA regular US mail:

Scott Ryan Nazzarine

H. Louis Sirkin

Jennifer M. Kinsley

Attorneys at Law

810 Sycamore St., 2nd Floor

Cincinnati, Ohio 45226

WIDE OPEN WEST

1674 Frontenac Road

Naperville, Il 60563

VIA facsimile transmission:

Wide Open West: 630-536-3108