

**FILED**  
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RICHARD W. WALKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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10 Attorneys for Putative Defendant Doe 305 (IP Address: 207.68.252.6)

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14 IN THE UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
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17 NEW SENSATIONS, INC.,  
18 Plaintiff,  
19 vs.  
20 DOES 1-1474,  
21 Putative Defendants.

Case No. 3:11-CV-02770-MEJ

**NOTICE OF MOTION TO QUASH  
SUBPOENA**

22  
23 PLEASE TAKE NOTICE that on November 21, 2011, Movant Putative Defendant Doe 305 (IP  
24 Address: 207.68.252.6), through his undersigned counsel, will move the Court pursuant to Federal Rule  
25 of Civil Procedure 45(c)(3)(A) to quash a subpoena issued by Plaintiff New Sensations, Inc. to third  
26 party MetroCast Communications. Fed. R. Civ. P. 45(c)(3)(A) provides that “[o]n timely motion, the  
27 court by which a subpoena was issued shall quash or modify the subpoena if it requires ... disclosure of  
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1 privileged or other protected matter and no exception or waiver applies,” or if it “subjects a person to  
2 undue burden.”

3 Good cause exists to quash the subpoena because Plaintiff cannot make a showing that its interest  
4 in obtaining the true identity of Doe 305 outweighs Doe 305’s First Amendment right to speak  
5 anonymously on the Internet, or the substantial burden, prejudice, unfairness and inconvenience which  
6 compliance with the subpoena will cause to Doe 305.

7 Movants’ motion is based upon this Notice of Motion and Motion to Quash Subpoena, the  
8 Declaration of Counsel Christina M. Gagnier, the Declaration of Putative Defendant Doe 305, on all  
9 papers and records on file herein, and on evidence and argument that may be presented at the time of  
10 hearing.

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12 Dated: November 21, 2011

Respectfully Submitted,

13  
14 /s/ Jerome Pandell

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Attorneys for Putative Defendant Doe 305 (IP  
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3 **CERTIFICATE OF SERVICE**

4 The undersigned certifies that on November 21, 2011, the foregoing document was filed with the  
5 Clerk of the U.S. District Court for the Northern District of California, using the court's electronic filing  
6 system (ECF), in compliance with Civil L.R. 5-4 and General Order 45. The ECF system serves a  
7 "Notice of Electronic Filing" to all parties and counsel who have appeared in this action, who have  
8 consented under Civil L.R. 5-5 and General Order 45 to accept that Notice as service of this document.

9 GAGNIER MARGOSSIAN LLP

10 Dated: November 21, 2011

11 By: /s/ Jerome Pandell  
12 Jerome Pandell