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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Curis Resources Ltd.,

10 Plaintiff,

11 v.

12 Jane Doe and John Doe a.k.a. "erinG", etc.

13 Defendants.

No. MC12-0079-PHX-DGC

**ORDER**

14  
15 Plaintiff Curis Resources, Ltd. has filed a motion for issuance of letters rogatory to  
16 assist in obtaining evidence for litigation pending in the Supreme Court of British  
17 Columbia, Canada, *Curis Resources, Ltd. v. Jane Doe and John Doe a.k.a. "erinG"*,  
18 Case No. S-123944. Doc. 1. Plaintiff asks the Court to subpoena Pinal County and  
19 Qwest Communications Company, LLC. *Id.* at 3. These witnesses have not raised  
20 objections.

21 Under 28 U.S.C. § 1782, a district court has discretion in determining whether  
22 letters rogatory should be honored. *In re Letters Rogatory from the Tokyo District,*  
23 *Tokyo, Japan*, 539 F.2d 1216, 1219 (9th Cir. 1976). Section 1782 provides, in part: "The  
24 district court of the district in which a person resides or is found may order him to give  
25 his testimony or statement or to produce a document or other thing for use in a  
26 proceeding in a foreign or international tribunal, including criminal investigations  
27 conducted before formal accusation." 28 U.S.C. § 1782(a). "Letters Rogatory are  
28 customarily received and appropriate action taken with respect thereto ex parte." *In re*

1 *Letters Rogatory from the Tokyo District*, 539 F.2d at 1219. Witnesses can raise  
2 objections and exercise their due process rights by motions to quash the subpoenas. *Id.*  
3 The Court will grant the motion pursuant to § 1782.

4 **IT IS ORDERED:**

5 1. Plaintiff's motion for issuance of letters rogatory (Doc. 1) is **granted**.

6 2. The Clerk is directed to issue any subpoenas necessary to direct the  
7 authorized representatives and the Custodian of Records of Pinal County, 31 N. Pinal  
8 Street, Building A, Florence, Arizona, 85132, to appear at the times and place designed  
9 by Plaintiff and testify regarding IP address 67.128.3.2 and produce their files and  
10 records regarding IP address 67.128.3.2.

11 3. The Clerk is directed to issue any subpoenas necessary to direct the  
12 authorized representatives and the Custodian of Records of Qwest Communications  
13 Company, LLC, c/o CT Corporation System, 2390 E. Camelback Road, Phoenix,  
14 Arizona, 85016, to appear at the times and place designed by Plaintiff and testify  
15 regarding IP address 184.98.29.108 and produce their files and records regarding IP  
16 address 184.98.29.108.

17 Dated this 28th day of August, 2012.

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22 David G. Campbell  
23 United States District Judge  
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