

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Robert F. Dalton,
5061 Buffalo Run
Westerville, Ohio 43081

Case No. :
CV 10 80 1 10 MISC
Judge: :
FILED
2010 MAY 14 P 3:35
RICHARD W. WIEKANG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff, Pro Se

Motion to Compel a Non-Party to Produce Documents

v.

Subpoena Hereon

YAHOO! Inc.
Custodian of Records
701 First Avenue
Sunnyvale, California 94089

Defendants.

WHA

MOTION TO COMPEL PRODUCTION OF DOCUMENTS

PRELIMINARY STATEMENT

1. Robert F. Dalton is sole owner and registrant of the email account behcon@yahoo.com registered with Defendants. Plaintiff has a legal action before U.S. District Court of Southern Ohio; *Robert F. Dalton v. Ohio Department of Rehabilitation and Correction, 2:10-CV-277*. Plaintiff seeks to obtain the identifying information regarding visitors to his Yahoo email account between the dates February 11, 2010 to February 14, 2010.

JURISDICTION

2. This Court has subject matter jurisdiction over this Motion.

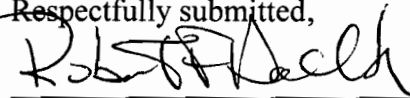
PARTIES

3. Plaintiff Robert F. Dalton is a citizen of the United States and a resident of the State of Ohio. Defendant Yahoo! Inc. is a corporation located in Sunnyvale, California.

FACTS

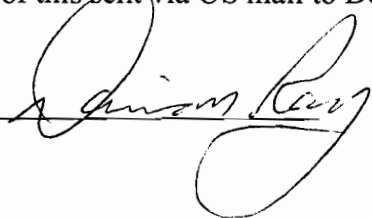
4. Defendant maintains identifying information on visitors to email accounts and email account control panel.
5. Plaintiff has contacted Defendant by phone and fax and has been informed that to obtain information about his account, a subpoena must be issued from this court.
6. Plaintiff has reason to believe that his account and password were compromised on said dates and seeks to obtain corroborating information relevant to his action in Ohio.
7. Plaintiff has attached a subpoena that he seeks to have this court compel upon Defendants in the production of said information.

WHEREFORE, the plaintiff respectfully prays the court to advance this case on the docket, and compel Defendants to promptly comply with attached subpoena:

Respectfully submitted,


Robert F. Dalton, Pro Se
5061 Buffalo Run
Westerville, Ohio 43081

A copy of this sent via US mail to Defendant on this day. MAY 10 2010

Notary: 



DORIAN RAY
Notary Public
In and for the State of Ohio
My Commission Expires
January 4, 2012

AFFADAVIT

1. I, Robert F. Dalton, am the sole owner of an email account I registered via Yahoo! Inc of 701 First Avenue, Sunnyvale, California 94089. My email account is behcon@yahoo.com.
2. I receive email notices from Yahoo to my other home email address, behconsult@msn.com of which I am the sole owner of as well.
3. I currently reside at 5061 Buffalo Run, Westerville, Ohio 43081.
4. I seek to obtain information regarding visitors to this Yahoo email account from Yahoo! Inc.

Sworn under the penalty of perjury, I offer the above facts as true.

Robert F. Dalton
5061 Buffalo Run
Westerville, Ohio 43081
614-975-1675

Name: *Robert Dalton* Date: *5/10/10*

Notary: *Dorian Ray* Date: *5/10/10*



DORIAN RAY
Notary Public
In and for the State of Ohio
My Commission Expires
January 4, 2012

UNITED STATES DISTRICT COURT

for the

Northern District of California

Robert F. Dalton

Plaintiff

v.

Ohio Department of Rehabilitation and Correction

Defendant

Civil Action No. 2:10-CV-277

(If the action is pending in another district, state where:

Southern District of Ohio

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES

To: Yahoo! Inc. 701 First Avenue Sunnyvale, CA 94089

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Any and all documents in the possession of Yahoo which indicates the ISP, IP, and individual identity of all visitors to the Yahoo email account behcon@yahoo.com from February 11, 2010 to February 14, 2010.

Place: Robert F. Dalton
5061 Buffalo Run
Westerville, Ohio 43081

Date and Time:
06/01/2010 12:00

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Robert F. Dalton, Pro Se
5061 Buffalo Run
Westerville, Ohio 43081 614-975-1675 behconsult@msn.com

