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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 HARD DRIVE PRODUCTIONS,

No. 3:11-CV-02330 EDL

9 Plaintiffs,

**AMENDED ORDER DENYING MOTION  
TO QUASH OR MODIFY SUBPOENA  
WITHOUT PREJUDICE (Docket # 26)**

10 v.

11 DOES 1-53,

12 Defendants.  
13 \_\_\_\_\_/

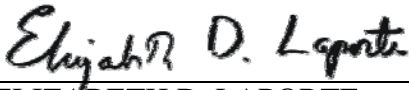
14 Plaintiff Hard Drive Productions, which produces, markets and distributes adult  
15 entertainment products, has filed a lawsuit against 53 Doe defendants alleging copyright  
16 infringement. On August 3, 2011, the Court granted Plaintiff's Revised Ex Parte Application to  
17 Take Expedited Discovery. On October 14, 2011, Doe defendant ("Movant"), associated with  
18 Internet Protocol ("IP") address 68.99.178.9, filed this Motion to Quash an outstanding subpoena  
19 issued to Movant's Internet Service provider ("ISP"), Cox Communications. In response to the  
20 Court's Order filed November 16, 2011, Plaintiff submitted a declaration attaching a copy of the  
21 subpoena at issue. That subpoena, dated August 5, 2011, was issued to Cox Communications out of  
22 the Northern District of Georgia. Doc. no. 36, Ex. A.

23 Under Federal Rules of Civil Procedure 45(c)(3), a court has no authority to quash a  
24 subpoena that was issued by a court in another district. See Fed. R. Civ. P. 45(c)(3)(A); SEC v.  
25 CMKM Diamonds, Inc., 2011 U.S. App. LEXIS 17833, \*7-8 (9th Cir. Aug. 26, 2011) ("On the basis  
26 of the clear language of *Rule 45*, we must hold that the court that issued the subpoena, and not the  
27 court where the underlying action is pending, can entertain a motion to quash or modify a  
28 subpoena") (emphasis added). Here, the Northern District of Georgia issued the subpoena at issue in

1 this Motion. See Doc. no. 36, Ex. A. Because Movant failed to bring the Motion before the court  
2 that issued the subpoena, this Court lacks the authority to quash the subpoena. Thus, Movant's  
3 Motion to Quash is denied without prejudice.

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Dated: November 21, 2011

  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge