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28UNITED STATES DISTRICT COURT
Northern District of California

PATRICK COLLINS, INC.,

No. C 11-2766 MEJ

Plaintiff,

**ORDER DENYING MOTION TO
QUASH RE: DOE DEFENDANT #2029**

v.

DOES 1-2,590,

Re: Docket No. 18Defendants.

On June 7, 2011, Plaintiff Patrick Collins, Inc. filed this lawsuit against 2,590 Doe Defendants, alleging that Defendants illegally reproduced and distributed a work subject to Plaintiff's exclusive license, ("*Real Female Orgasms 10*"), using an internet peer-to-peer file sharing network known as BitTorrent, thereby violating the Copyright Act, 17 U.S.C. § 101-1322. Compl. ¶¶ 6-15, Dkt. No. 1. On September 22, 2011, the Court granted Plaintiff's Application for Leave to Take Limited Expedited Discovery. Dkt. No. 12. The Court permitted Plaintiff to serve subpoenas on Does 1-2,590's Internet Service Providers ("ISPs") by serving a Federal Rule of Civil Procedure 45 subpoena that seeks information sufficient to identify the Doe Defendants, including the name, address, telephone number, and email address of Does 1-2,590. *Id.* at 11. Once the ISPs provided Does 1-2,590 with a copy of the subpoena, the Court permitted Does 1-2,590 30 days from the date of service to file any motions contesting the subpoena (including a motion to quash or modify the subpoena). *Id.*

Now before the Court is a Motion to Quash, filed by Doe Defendant #2029, referred to as "John Doe." Dkt. No. 18. In his motion, John Doe requests that the subpoena be quashed because

1 Plaintiff failed to comply with California Code of Civil Procedure sections 1985 and 1985.3.
2 However, Plaintiff has responded to John Doe's motion, correctly arguing that the California Code
3 of Civil Procedure applies to California courts, and this Court is governed by the Federal Rules of
4 Civil Procedure. As John Doe has failed to file any reply, the motion is DENIED.

5 **IT IS SO ORDERED.**

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7 Dated: November 29, 2011

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10 Maria-Elena James
11 Chief United States Magistrate Judge
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