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

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE, subscriber assigned IP address
108.77.237.167,

Defendant.

No. C 16--05843 WHA

**ORDER DENYING MOTION
TO QUASH AND MOTION
TO CONTINUE CASE
MANAGEMENT
CONFERENCE**

Malibu Media seeks to continue the case management conference scheduled for March 30 inasmuch as it has not yet received defendant's identity in response to the subpoena on AT&T Internet Services (Dkt. No. 14). Meanwhile, counsel for defendant has appeared, seeking to quash the subpoena (Dkt. No. 13).

Defendant argues that the subpoena should be quashed or stayed, contending he never had or distributed the copyrighted materials at issue, but may know who the proper defendant is. In his brief, defendant stated he offered to provide Malibu Media with "unfettered access" to his computer but received no response from counsel for Malibu Media, though there is no sworn statement to support that contention (Def.'s Mtn. at 1). Defendant's primary concern appears to be the possibility that he will be publicly identified in an action involving piracy of pornographic videos.

Defendant's objections are not a proper basis for staying or quashing the subpoena, so that request is **DENIED**. Nevertheless, a protective order is already in place requiring Malibu

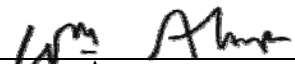
1 Media to file all documents with identifying information about defendant under seal, with that
2 identifying information redacted on the public record. (Defendant may also file such
3 documents under seal.)

4 Malibu Media's request to continue the case management conference is also **DENIED**.
5 Although defendant has not been served, defense counsel has already appeared, so there is no
6 reason to delay. At the case management conference, counsel for Malibu Media shall come
7 prepared to explain their failure to respond to defense counsel for more than one week. Both
8 sides shall also come prepared to discuss an expedited discovery schedule that would facilitate
9 an early summary judgment motion by defendant, based on the representations in his brief.

10 Finally, if defense counsel feels the protective order already in place is insufficient, they
11 may suggest additional terms at the case management conference.

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13 **IT IS SO ORDERED.**

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15 Dated: March 24, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

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