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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CRAIGSLIST INC,

No. C 12-05276 DMR

Plaintiff,

**ORDER REGARDING PLAINTIFF'S  
SECOND PROPOSED DISCOVERY  
PLAN**

v.

MICHAEL JAMES PAPP,

Defendant.

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On December 14, 2012, the Clerk of the Court entered default as to Defendant Michael James Papp. On January 3, 2013, the court issued an order finding that Plaintiff craigslist, Inc. had shown good cause to conduct third party discovery regarding damages, and subsequently granted Plaintiff leave to serve subpoenas on Defendant's payment processors to obtain evidence of revenue generated by Defendant's activities. [Docket Nos. 11, 15.]

On April 5, 2013, Plaintiff submitted a discovery status report and second proposed discovery plan. [Docket No. 18 (Discovery Status Report).] Plaintiff now seeks leave to serve subpoenas on five banks (the "bank subpoenas") for records pertaining to bank accounts associated with Defendants<sup>1</sup> and their software business. The court has reviewed Plaintiff's submissions and

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<sup>1</sup> On April 5, 2013, Plaintiff moved to amend the complaint to name Shelly Papp, Defendant Michael Papp's wife, as a defendant based upon information learned from the payment processors. [Docket No. 17.] On May 10, 2013, the court granted Defendant's motion to file a first amended complaint. [Docket No. 22; *see also* Docket No. 21-1, 21-2 (Amended Complaint).]

1 finds that the proposed bank subpoenas are overbroad and seek information that Plaintiff has not  
2 shown is relevant to its claims against Defendants. The attachments to the proposed bank subpoenas  
3 request, for each listed account, the production of

4 all account statements, transaction logs, and other information showing a complete  
5 transaction history (all deposits, debits, and credits), including *identifying information for the*  
6 *person and/or entity paying* or being paid and the description of the product or service being  
provided or paid for . . .

7 (Discovery Status Report Ex. A (emphasis added).) By this language, Plaintiff seeks the production  
8 of identifying information for persons/entities paying money into Defendants' bank accounts, which  
9 would include purchasers of the "Ad-Nuke for Craigslist" software. However, as the court noted in  
10 its February 15, 2013 order granting in part Plaintiff's initial proposed discovery plan, Plaintiff has  
11 not asserted any claims against third party users and/or purchasers of Defendants' "Ad-Nuke for  
12 Craigslist" software, and has not shown the relevance of the identifying information for the  
13 persons/entities purchasing the product. Therefore, Plaintiff's proposed subpoenas may not request  
14 the production of identifying information for third party purchasers of the "Ad-Nuke for Craigslist"  
15 software. Accordingly, by no later than May 20, 2013, Plaintiff shall submit revised bank  
16 subpoenas, amended in accordance with this order, for the court's approval.

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18 IT IS SO ORDERED.

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20 Dated: May 10, 2013

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DONNA M. RYU  
United States Magistrate Judge

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