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E-FILED 06-30-2010

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE PETITION OF ISIDRE FAINÉ CASAS
FOR AN ORDER TO TAKE DISCOVERY IN
AID OF A FOREIGN PROCEEDING
PURSUANT TO 28 U.S.C. § 1782

No. C10-80112MISC JF (HRL)

**ORDER GRANTING IN PART AND
DENYING IN PART PETITION FOR
DISCOVERY IN AID OF A FOREIGN
PROCEEDING**

ISIDRE FAINÉ CASAS,
Petitioner.

[Re: Docket No. 1]

_____/

Petitioner Isidre Fainé Casas, a citizen of Spain, alleges that an unknown imposter opened two user accounts on Facebook, Inc. (“Facebook”) in his name (and a variant of his name) and published false and defamatory statements about him. Pursuant to 28 U.S.C. § 1782, he moves for leave to serve a Fed. R. Civ. P. 45 subpoena on Facebook for information in connection with contemplated civil and criminal actions against the imposter(s) in Spain. See Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241 (2004).

Having considered the moving papers, the request will be granted in part and denied in part. Insofar as petitioner seeks discovery of the contents of stored communications, his request is denied without prejudice. His petition for leave to serve a subpoena on Facebook is otherwise granted. Any information disclosed to petitioner in response to the subpoenas may be used by petitioner solely for the purpose of protecting his rights in the contemplated actions in Spain. By granting petitioner leave to conduct this discovery, this court does not intend to

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foreclose any valid objections that may be raised by persons and entities responding to these subpoenas or whose personal rights or privileges may be implicated with respect to the information sought.

SO ORDERED.

Dated: June 30, 2010



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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5:10-mc-80112-JF Notice has been electronically mailed to:
Tod L. Gamlen Tod.Gamlen@bakermckenzie.com
Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.