

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00742-WYD-MEH

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOE SUBSCRIBER ASSIGNED IP ADDRESS 71.237.107.180,

Defendant.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on April 26, 2013.**

Defendant John Doe's Motion to Quash or Modify Subpoena [[filed April 26, 2013; docket #13](#)] is **denied without prejudice** for the following reasons. First, the Defendant failed to attach a copy of the challenged subpoena to the present motion for the Court's consideration. Therefore, if Defendant chooses to re-file the motion, the Court instructs the Defendant to attach to the motion a copy of the challenged subpoena.

Second, the Defendant fails to comply with Fed. R. Civ. P. 11(a), which states in pertinent part,

Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name – or by a party personally if the party is unrepresented. The paper must state the signer's address, email address, and telephone number.

From the content of the present motion, the Court infers that Defendant seeks to proceed in this litigation anonymously. However, Defendant has failed to properly seek permission from the Court to do so.<sup>1</sup> See *K-Beech, Inc. v. Does 1-29*, 826 F. Supp. 2d 903, 905 (W.D.N.C. 2011) (noting that a party who wishes to proceed anonymously may overcome the presumption against anonymous proceedings by filing a well-reasoned motion to proceed anonymously); see also *West Coast Prods., Inc. v. Does 1-5829*, 275 F.R.D. 9, 12 (D.D.C. 2011) ("federal courts generally allow parties to proceed anonymously only under certain special circumstances when anonymity is necessary to protect a person from harassment, injury, ridicule or personal embarrassment"). Therefore, if

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<sup>1</sup>Although Defendant requests permission to file the motion "without revealing any personally identifying information," such unsupported request fails to comply with D.C. Colo. LCivR 7.1C ("a motion ... shall be supported by a recitation of legal authority incorporated into the motion") and the law cited herein.

Defendant wishes to re-file the motion in accordance with this order and all applicable local and federal court rules, Defendant may do so **on or before May 10, 2013** and must first (or contemporaneously) file a motion to proceed anonymously in accordance with Rule 11(a).<sup>2</sup> With such filing, Defendant must provide to the Court Defendant's name, address, telephone number and email address in the form of a separate written "supplement" to the motion. If Defendant wishes to keep this supplement (containing the identifying information) confidential, Defendant may file a motion to file the supplement under restriction pursuant to the procedure set forth in D.C. Colo. LCivR 7.2. The Court may strike any motion or other filing that deviates from the requirements of this order or from those set forth in the applicable local or federal rules.

The Clerk of the Court is instructed to serve a copy of this order upon Defendant pursuant to the information provided in the document at docket #14.

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<sup>2</sup>In addition to compliance with Rule 11, the Court also notes the necessity of having such information for the proper and efficient management of its docket.