

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.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on May 7, 2013.

Defendant John Doe's renewed Motion to Quash or Modify Subpoena [filed April 29, 2013; docket #18] is **denied without prejudice** for failing to comply with the Court's April 26, 2013 order.

Defendant signed the present motion in compliance with Fed. R. Civ. P. 11(a), but requests in the content of the motion that "no personal information be disclosed to the Plaintiffs [sic]." As such, Defendant is seeking to proceed in this litigation anonymously. As directed in its previous order, Defendant must seek permission from the Court to proceed anonymously in a properly supported motion. *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 Defendant wishes to re-file the motion to quash in accordance with this order and all applicable local and federal court rules, Defendant may do so **on or before May 13, 2013** and must first (or contemporaneously) file a separate motion to proceed anonymously. Defendant need not provide Defendant's identifying information again; for purposes of any renewed motion(s), the Court will consider the present motion as a "supplement" containing Defendant's identifying information.

The Clerk of the Court is instructed to maintain under Restriction Level 2 the document located at docket #18 until further order of the Court, and to serve a copy of this order upon Defendant pursuant to the information provided in docket #18.